

ORIGINAL APPLICATION NO.283/2022
(Suresh Vitthalrao Thormote Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : **07.04.2022**

ORAL ORDER :

Shri Rohit R. Kakani, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned CPO tendered affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. It is communicated that the final decision has been taken, however, in view of Rule 27(1) of the Maharashtra Civil Services (Pension) Rules, 1982 concurrence of the Maharashtra Public Service Commission (MPSC) is required before passing final order and proposal in that regard has been forwarded to the MPSC on 05-04-2022. However, respondents shall take follow up of the matter with the MPSC since already inordinate delay has occurred in taking the decision and report the progress in that regard on the next date.

4. S.O. to 28-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.670/2021, 671/2021,
672/2021 & 673/2021
(Gokul Patil & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND**

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.04.2022

ORAL ORDER :

Heard Shri V.B.Wagh, learned Advocate for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer, Shri V.R.Bhumkar, Shri S.K.Shirse and Smt. Deepali Deshpande learned Presenting Officers for the respondents.

2. Learned CPO has tendered affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side. Compliance report has also been submitted.

3. Learned Counsel for the applicants has some grievance about the compliance of the order passed by this Tribunal. It would be open for the applicants to bring the same to the notice of the Tribunal during the course of hearing of the O.As.

4. S.O. to 07-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.959/2019
(Rahul D. Sathe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

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

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.222/2022
(Annasaheb Shinde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.04.2022

ORAL ORDER :

Heard Shri Jiwan Patil, learned Advocate for the applicants and Shri P.R.Katneshwarkar, learned Special Counsel for the respondents.

2. Arguments are heard for some time. At the request of learned Special Counsel for taking some instructions from the respondents, S.O. to 22-04-2022.

MEMBER (A)

MEMBER (J)

**REVIEW APPLICATION NOS.11/2008, 12/2008,
13/2008, 15/2008 AND 16/2008**

IN

ORIGINAL APPLICATION NO.737/2007

(Eknath S. Rajale & Ors. Vs. Petras P. Nirmal & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for applicants in all the Review Applications, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, and Shri A.D.Sugdare, learned Advocate for other private respondents, are present.

2. In view of the judgment delivered by the Hon'ble Bombay High Court Division Bench at Aurangabad in Writ Petition No.3398/2008 & Anr., the Review Applications stand disposed.

MEMBER (A)

MEMBER (J)

**C.P.NO.35/2019 IN O.A.NO.59/2017 WITH
NO.273/2017
(Vishwanath Baswante & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri V.P.Golewar, learned Advocate for the applicants
and Shri M.S.Mahajan, learned Chief Presenting Officer for
the respondents, are present.

2. S.O. to 10-06-2022.

MEMBER (A)

MEMBER (J)

C.P.NO.28/2020 IN O.A.NO.113/2012
(Bhagwat Kadam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.04.2022

ORAL ORDER :

Smt. Priya Bharaswadkar, learned Advocate holding for Shri K.G.Salunke, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 07-06-2022.

MEMBER (A)

MEMBER (J)

**C.P.NO.17/2021 IN O.A.NO.127/2017
(Trimbak Tompe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri V.P.Golewar, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 10-06-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 07.04.2022

REVIEW APPLICATION NO.04/2017
IN
ORIGINAL APPLICATION NO.223/2014
(Kakasaheb Zalte Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **07.04.2022**

ORAL ORDER :

Shri S.D.Joshi, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 08-06-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.362/2018
(Ganesh S. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.04.2022

ORAL ORDER :

Shri S.D.Joshi, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 08-06-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.950/2019
(Jayshri T. Thakur Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **07.04.2022**

ORAL ORDER :

Shri H.A.Joshi, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 09-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.1020/2019
(Deepak B. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

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

2. S.O. to 25-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.562/2020
(Amol Bari Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

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

2. S.O. to 13-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.195/2021
(Gopal Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

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

2. S.O. to 13-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.608/2021
(Pawansing Bighot Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. S.O. to 14-06-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.162/2017 WITH M.A.NO.139/2017 IN
O.A.NO.136/2017
(Madhuri B. Banait Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 14-06-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.325/2019 IN O.A.ST.NO.1389/2019
(Sukhdeo Solankar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri R.K.Khandelwal, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 14-06-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 07.04.2022

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

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.04.2022

ORAL ORDER :

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

2. S.O. to 16-06-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 07.04.2022

**M.A.NO.328/2021 IN O.A.NO.42/2013
(Ranapratapsingh N. Chauhan Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

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

2. S.O. to 14-06-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 07.04.2022

**M.A.NO.56/2022 IN O.A.NO.405/2021
(Dinesh Karande Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri S.S.Kulkarni/Shri V.S.Kadam, learned Advocate
for the applicant (**absent**). Shri V.R.Bhumkar, learned
Presenting Officer for the respondents is present.

2. S.O. to 05-05-2022.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri A.S.Deshpande, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 06-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.575/2014
(Deepak B. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri A.D.Gadekar, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 08-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.575/2016
(Aniket N. Mundhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicant,
Shri N.U.Yadav, learned Presenting Officer for the
respondent authorities and Shri Amit Savale, learned
Advocate for respondent no.4, are present.

2. S.O. to 13-04-2022.

MEMBER (A)

MEMBER (J)

**O.A.NO.603/2017, 604/2017, 605/2017, 606/2017,
607/2017, 608/2017, 609/2017 & 780/2017
(Jaideep Limbale & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri A.S. Deshmukh & Ms. Preeti Wankhade, learned Counsel for the applicants in respective matters and Shri S.K.Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 16-06-2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.690/2018
(Pramod A. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.04.2022

ORAL ORDER :

Shri S.G.Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 17-06-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.76/2019
(Nilesh S. Badgujar Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **07.04.2022**

ORAL ORDER :

Shri H.V.Patil, learned Advocate for the applicant and
Smt. Sanjivani Ghate, learned Presenting Officer for the
respondents, are present.

2. S.O. to 29-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.192/2019, 193/2019 &
194/2019
(Kashinath Soundalkar & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicants,
Smt. Deepali Deshpande, learned Presenting Officer for the
respondent authorities and Shri S.B.Mene, learned
Advocate for respondent Nos.1 & 2, are present.

2. S.O. to 10-06-2022.

MEMBER (A)

MEMBER (J)

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

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **07.04.2022**

ORAL ORDER :

Shri H.V.Tungar, learned Advocate for the applicant is **absent**. Shri B.S.Deokar, learned Presenting Officer for the respondents is present.

2. S.O. to 06-06-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.540/2019
(The Maharashtra State Gazetted Veterinary Officers Union
Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **07.04.2022**

ORAL ORDER :

Shri P.R.Tandale, learned Advocate for the applicant
and Shri I.S.Thorat, learned Presenting Officer for the
respondents, are present.

2. S.O. to 07-06-2022.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.04.2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Advocate for the applicant and Shri N.U.Yadav, learned Chief Presenting Officer for the respondents, are present.

2. Interim relief granted earlier to continue till then.
S.O. to 06-06-2022.

MEMBER (A)

MEMBER (J)

DATE : 07.04.2022

ORIGINAL APPLICATION NO. 331 OF 2022

(Mandabai C. Khambat Vs. The State of Maharashtra & Ors.)

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

1. Shri A.D. Gadekar, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 04.05.2022. The case be listed for admission hearing on **04.05.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

O.A. No. 557/2021 with M.A. No. 08/2022
(Dr. Sanjay K. Kasralikar Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Heard Smt. P.V. Bodke Patil, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3, Shri Avinash S. Deshmukh, learned Advocate for respondent No. 5 / applicant in M.A. and Shri Ashish Shinde, learned Advocate for respondent No. 4.

2. During the course of arguments, learned Advocate for the applicant placed on record copies of documents such as G.R. dated 28.5.2001 issued by the Public Health Department, Circular dated 28.02.2017 issued by the Law and Judiciary Department and earlier transfer order of the applicant dated 15.02.2008 issued by the authority Chief Executive Officer, Zilla Parishad, Nanded. Those documents are taken on record in continuation of affidavit in rejoinder filed on behalf of the applicant at page Nos. 170, 171 & 172 respectively.

3. After having heard the arguments on behalf of all the parties, the present matter is closed for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 443 OF 2019
(Rinesh D. Gavit Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 13.06.2022 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 225 OF 2020
(Subhash M. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3. Shri K.J. Suryawanshi, learned Advocate for respondent Nos. 4 & 6, **absent**.

2. By consent of both the sides, S.O. to 04.05.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 525 OF 2020
(Anita R. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 06.05.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 07.04.2022

**ORIGINAL APPLICATION NO. 152 OF 2021
(Vishnu S. Misal Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 07.06.2022 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 288 OF 2021
(Shubham K. Shreebhate Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 05.05.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 07.04.2022

ORIGINAL APPLICATION NO. 49 OF 2018
(Ravindra V. Sapkale Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Shri H.P. Randhir, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 10.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 721 OF 2019
(Bhagwan W. Landge Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 19.04.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 07.04.2022

**Review No. 01/2021 in O.A. No. 21/2021
(Laxman B. Choudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 02.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 973 OF 2018
(Rajaram Z. Mohite Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 and 2 and Smt. Suvarna Zaware, learned Advocate for respondent No. 3.

2. By consent of both the sides, S.O. to 07.06.2022 for final hearing.

MEMBER (J)

**O.A. No. 985/2019 with O.A. No. 996/2019
(Suresh S. Chate & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicants in both the O.As., Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 4 in both the O.As. and Smt. Amruta Pansare, learned Advocate holding for Shri V.B. Wagh, learned Advocate for respondent No. 5 in O.A. No. 996/2019. None present on behalf of respondent No. 5 in O.A. No. 985/2019.

2. Learned Advocate for the applicants seeks permission to delete the name of respondent No. 5 in O.A. No. 996/2019 contending that the respondent No. 5 has been accommodated on some other post.

3. Permission as prayed for by the applicant is granted. The applicant shall amend the O.A. on or before the next date of hearing.

4. Pleadings are complete in both the O.As. The present matters are pertaining to transfer. Hence, both the O.As. are admitted and it be kept for final hearing on 13.06.2022.

MEMBER (J)

**O.A. No. 858/2018 with O.A. No. 86/2019 with
O.A. No. 118/2019 with O.A. No. 278/2019 with
O.A. No. 421/2019 with O.A. No. 392/2020 with
O.A. No. 394/2020 with O.A. No. 395/2020 with
O.A. No. 398/2020 with O.A. No. 173/2021**

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicants in O.A. No. 858/2018, Shri S.D. Dhongde, learned Advocate for the applicants in O.A. Nos. 86/19, 118/19, 278/19, 421/19, 392/20, 394/20, 395/20 & 398/20, Shri G.N. Patil, learned Advocate for the applicant in O.A. No. 173/2021 and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all these O.As.

2. In continuation of earlier developments it is reflected in various orders passed from 06.12.2021 till today, learned Presenting Officer placed on record further development of finalizing the seniority list for channelizing the payment of pensionary benefits to the various persons including the applicants in all these matters. He filed on record a copy of letter dated 01.04.2022 addressed by the Dy. Director of Land Records, Aurangabad in that regard. Same is taken on record and marked as document X-2 for the purpose of identification.

3 S.O. to 04.05.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.538 OF 2019
(Jawahar R. Bhoi Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of the respondents.

3. S.O. to 04.05.2022.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

**ORIGINAL APPLICATION NO.43 OF 2021
(Chandramuni T. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned Advocate for the applicant, is **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 and 4 and Shri S.B. Patil, learned Advocate for the respondent Nos.2 and 3,

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 and 4.

3. S.O. to 04.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.44 OF 2021
(Sugam B. Rathod & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.

3. S.O. to 04.05.2022.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

**ORIGINAL APPLICATION NO.226 OF 2021
(Khilesh K. Choudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri T.R. Daware, learned Advocate holding for Shri P.S. Gaikwad, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit-in-rejoinder.

3. S.O. to 05.05.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO.291 OF 2021
(Dattatrya M. More Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Shri S.N. suryawanshi, learned Advocate for the applicant, is **absent**. Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent No.5.

3. S.O. to 05.05.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO.306 OF 2021
(Suwarna S. Bedre Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri Onkar Gholap, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that the one more last chance was granted to the respondents to file affidavit-in-reply.
3. Today learned P.O. for the respondents seeks further time for filing affidavit-in-reply.
4. In view of above, subject to costs of Rs.1,000/- (One Thousand only), final chance is granted to the respondents to file affidavit-in-reply.
5. S.O. to 02.05.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.495 OF 2021
(Vaibhav D. Shine Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

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

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

3. S.O. to 10.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.504 OF 2021
(Dilip B. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Shri M.D. Godhamgaonkar, learned Advocate for the applicant, is **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 06.05.20222 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

ORIGINAL APPLICATION NO.591 OF 2021
(Vaishnavi S. Landage Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit-in-rejoinder.

3. S.O. to 06.05.2022 for admission.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

**ORIGINAL APPLICATION NO.601 OF 2021
(Ramesh M. Darekar Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri A.R. Lukhe, learned Advocate holdig for Shri A.S. Shelke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of the learned C.P.O., time is granted for filing affidavit-in-reply on behalf of the respondent No.4.
3. S.O. to 06.05.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.650 OF 2021
(Prakash T. Vaichal Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Shri Anand D. Kawre, learned Advocate for the applicant, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of the respondent No.1 to 3 is taken on record.
3. Learned P.O. deposited extra copy of reply for the applicant.
4. S.O. to 06.05.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO.651 OF 2021
(Dr. Shivaji D. Birare Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri Onkar Gholap, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Gate, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, issue fresh notice to the respondent No.1, returnable on 06.05.2022

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.

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O.A.No.651/21

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 06.05.2022.

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

MEMBER (J)

**ORIGINAL APPLICATION NO.89 OF 2022
(Bhaskar V. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

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

2. At the request of the learned C.P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.

3. S.O. to 06.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.103 OF 2022
(Tushar V. Veldandi Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Shri S.B. Kakde, learned Advocate for the applicant, is **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. In view of absence of learned Advocate for the applicant, S.O. to 06.06.2022 for taking necessary steps.

MEMBER (J)

ORIGINAL APPLICATION NO.234 OF 2022
(Sanjay P. Sangle Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Shri S.B. Solanke, learned Advocate for the applicant, is **absent**. Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. In view of absence of learned Advocate for the applicant, S.O. to 06.06.2022 for taking necessary steps.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

**M.A.NO.417 of 2018 IN O.A.ST.NO.1785 OF 2018
(Dangal S. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

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

2. Affidavit-in-rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 06.05.2022 for hearing.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

ORIGINAL APPLICATION NO.305 OF 2022
(Jagdish N. Yengupatla Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 02.05.2022.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

**ORIGINAL APPLICATION ST.NO.78 OF 2022
(Ashru M. Kaldate Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 02.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.954 OF 2019
(Rameshwar R. Chandak Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 06.06.2022.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

**ORIGINAL APPLICATION NO.453 OF 2020
(Bhatu R. Mahale Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri S.P. Dhobale, learned Advocate holding for Shri Vinod P. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit-in-rejoinder.

3. S.O. to 06.05.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO.712 OF 2021
(Dr. Subhash G. Kabade Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

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

2. Record shows that the pleadings are complete.
3. The matter is pertaining to recovery. It is admitted and fixed for final hearing.
4. S.O. to 27.04.2022.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

**M.A.NO.381 OF 2019 IN O.A.ST.NO.1612 OF 2019
(Dr. Bhaskar D. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Shri C.V. Thombre, learned Advocate for the applicant, is **absent**. Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. None present on behalf of the applicant though the matter is fixed for hearing.
3. S.O. to 07.06.2022 for passing necessary order.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

**M.A.NO.620 OF 2019 IN O.A.ST.NO.2355 OF 2019
(Sumesh D. Waghmare Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri A.D. Gawale, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 06.05.2022.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

**M.A.NO.38 OF 2020 IN O.A.ST.NO.2381 OF 2019
(Sujata R. Parsode Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri B.G. Deshmukh, learned Advocate holding for Shri Bharat N. Gadegaonkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The present Misc. Application is closed for order.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

**M.A.NO.232 OF 2020 IN O.A.ST.NO.321 OF 2020
(Bismila Daut Tadvi Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri A.M. Hajare, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 02.05.2022.

MEMBER (J)

SAS ORAL ORDERS 07.04.2022

M.A.NO.32 OF 2022 IN O.A.NO.505 OF 2021
(Bhaskar V. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri G.N. Kulkarni (Mardikar), learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 and 2 and Shri I.D. Maniyar, learned Advocate for the respondent No.3. Shri S.S. Ware, learned Advocate for the respondent No.4, is **absent**.

2. By this application the applicant is seeking amendment in the Original Application to the extent of bringing on record the subsequent event regarding recovery as pleaded in the Original Application. Amendment is also sought in respect of sending service book from the office of the respondent No.1 to respondent No.2.

3. During the course of arguments, learned Advocate for the applicant submits that he is not pressing for amendment in term of proposed para No.24-c pertaining to service book as the service book is already sent.

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4. He, however, presses for addition of para nos. 24-a and 24-b in the Original Application.

5. Learned P.O. for the respondent Nos.1 and 2 and learned Advocate for the respondent No.3 opposed the amendment application.

6. Considering the proposed amendment I find that by proposed amendment the applicant wants to bring on record the subsequent event i.e. actual recovery of amount upto 7 installments in terms of impugned order of recovery dated 01.07.2019.

7. In view of same, the proposed amendment is not going to change the nature of proceedings of the Original Application. In fact, the proposed amendment would be just and necessary to determine the real question of controversy between the parties. I therefore, proceed to pass following order:-

ORDER

- (i) The Misc. Application No.32/2022 in O.A.No.505/2021 is allowed.
- (ii) Amendment as prayed for is granted.

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- (iii) The applicant to carry out the amendment within the period of 15 days from the date of this order and to serve the copy of amended O.A. on the other side.
- (iv) No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO.505 OF 2021
(Bhaskar V. Suryawanshi Vs. State of Maharashtra & Ors.)**

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

DATE : 07.04.2022

ORAL ORDER :

Heard Shri G.N. Kulkarni (Mardikar), learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 and 2 and Shri I.D. Maniyar, learned Advocate for the respondent No.3. Shri S.S. Ware, learned Advocate for the respondent No.4, is **absent**.

2. At the request of the learned Advocate for the applicant, S.O. to 06.05.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

Date :07.04.2022

M.A.NO.162/2022 IN O.A.ST.NO.608/2022

(Nandkishor Arjun Awile V/s The State of Maharashtra & Ors.)

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

1. Shri P.V. Suryawanshi, learned Advocate for the applicant and Shri V.R. Bhumkar, Id. P.O. for the respondents, are present
2. Circulation is granted. Issue notices to the respondents in M.A.No.162/2022, returnable on 05.05.2022. The case be listed for admission hearing on **05.05.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date :07.04.2022

ORIGINAL APPLICATION NO.335 OF 2022

(Vilas Pandurang Dhonde V/s The State of Maharashtra & Ors.)

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

1. Shri P.D. Suryawanshi, learned Advocate for the applicant and Shri D.R. Patil, ld. P.O. for the respondents, are present
2. Circulation is granted. Issue notices to the respondents, returnable on 05.05.2022. The case be listed for admission hearing on **05.05.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

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

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.4.2022

ORAL ORDER :

Shri M.B. Kolpe, learned counsel for the applicants (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 and the same is taken on record. The copy of the same be supplied to the learned counsel for the applicants.

3. S.O. to 10.6.2022 for further consideration.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 7.4.2022-HDD

T.A.NO. 3/2022 (W.P.NO. 3432/2022)
(Dr. Amar V. Kingaonkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.4.2022

ORAL ORDER :

Shri Akshay Kulkarni, learned counsel holding for Shri A.A. Yadkikar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer has sought time. Time granted.

3. S.O. to 9.6.2022. The present case be tagged with O.A. No. 241/2022 & group.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 7.4.2022-HDD

**O.A.NOS. 241, 242, 250, 257, 258, 271 & 272 ALL OF 2022
(Dr. Ravi K. Tale & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

S/Shri G.K. Kshirsagar, N.K. Chaudhari, Avishkar D. Patil, learned counsel holding for Shri C.V. Dharurkar & Akhay Kulkarni, learned counsel holding for Shri A.A. Yadkikar, learned counsel for the applicants in respective cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these matters, are present.

2. S.O. to 9.6.2022. The present matters be tagged with T.A. No. 3/2022 (W.P. No. 3432/2022).

MEMBER (A)

MEMBER (J)

ORAL ORDERS 7.4.2022-HDD

ORIGINAL APPLICATION NO. 306 OF 2022
(Papindersingh S. Sandhu (Pujari) Vs. State of Maha. & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **7.4.2022**

ORAL ORDER :

Heard Shri Amit A. Mukhedkar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The applicant has challenged the order of his reversion passed on 18.1.2022. The applicant was promoted to the post of ASI vide order dated 15.6.2019 and since then he was working on the said post. Vide impugned order dated 18.1.2022 the applicant has been reverted to the original post of Police Head Constable. It is the contention of the applicant that without issuing any notice to the applicant and without giving an opportunity of hearing to the applicant, the impugned order has been passed. Relying on the judgment of the Hon'ble Apex Court in the case of **P.C. Wadhwa Vs. The Union of India and Anr. (AIR 1964 SC 423)**, learned counsel submitted that the impugned order of reversion apparently cannot be sustained. Learned counsel in the circumstances while praying for issuance of notices to the respondents has also prayed for interim relief thereby seeking stay to the impugned order.

3. Learned Presenting Officer has sought time for taking instructions and has further opposed for granting any interim relief at this stage stating that no *prima facie* case is made out.

4. We have considered the submission advanced by the learned counsel appearing for the applicant and learned Presenting Officer.

5. The applicant has come out with the specific case that before passing of the impugned order of reversion, the applicant was not served with any show cause notice and was not provided any opportunity of hearing. In view of the judgment of the Hon'ble Apex Court relied upon by the applicant, such order could not have been passed without giving an opportunity of hearing to the applicant. In the circumstances, we are convinced that *prima facie* case is made out by the applicant for granting interim relief in his favour.

6. In view of the above, the following order is passed.

ORDER

(1) Issue notices to the respondents, returnable on 9.6.2022, till then the implementation of the impugned order of reversion shall stand stayed.

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

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

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

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

(6) S.O. to 9.6.2022.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 519 OF 2020
(Chandrakiran V. Tayde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Heard Shri R.D. Khadap, learned counsel holding for Shri Sandeep G. Kulkarni, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Against the order of the disciplinary authority, imposing major penalty upon the present applicant, the applicant has preferred the appeal before the appellate authority. The record reveals that the applicant has preferred the said appeal in the month of June, 2019 and the same is reached to the office of the appellate authority on 4.6.2019. The only prayer in the present Original Application is that the appellate authority be directed to decide the appeal preferred by the present applicant expeditiously. We fail to understand why the appellate authority has not decided the appeal submitted by the present applicant though the period of about 3 years has lapsed. In the circumstances, without going into the merits of the present O.A., we direct the appellate authority i.e. respondent No. 2 to decide the appeal preferred by the

:: - 2 - ::

O.A. NO. 519/2020

present applicant within a period of 8 weeks from the date of this order.

3. The Original Application stands allowed in the aforesaid terms. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 7.4.2022-HDD

M.A.NO. 132/2022 IN O.A.ST.NO. 449/2022
(Khwaja Munneruddin Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.4.2022

ORAL ORDER :

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

2. The applicant is taking exception to the order dated 25.1.2019. It is his contention that thereafter the applicant would not file the O.A. within the stipulated period because of the Corona Pandemic. There appears substance in the submission so made.

3. Learned Presenting Officer has submitted for passing appropriate orders.

4. It appears to us that the matter needs to be decided on merit and sufficient reasons are made out for condonation of delay. Hence, the following order: -

ORDER

(i) The delay caused in filing accompanying O.A. is condoned.

:: - 2 - ::

**M.A.NO. 132/2022 IN
O.A.ST.NO. 449/2022**

(ii) The accompanying O.A. be registered and numbered in accordance with law.

(iii) The M.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 7.4.2022-HDD

**ORIGINAL APPLICATION ST.NO. 449 OF 2022
(Khwaja Munneruddin Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.4.2022

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 16.6.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 16.6.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

M.A.NO. 160/2022 IN O.A.NO. 1007/2019
(Mustafa D. Khonde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.4.2022

ORAL ORDER :

Heard Shri R.A. Shinde, learned counsel holding for Shri K.R. Doke, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned counsel for the applicant submits that subsequent events are sought to be brought on record by the present application. It is contended that during the pendency of the present O.A. the Government has issued G.R. dated 31.3.2021, whereby some changes have been made in respect of departmental examination. The applicant intends to bring on record the said G.R. and the related aspects.

3. Learned Presenting Officer has submitted for passing appropriate orders.

4. In view of the fact that the subsequent development is sought to be brought on record by way of amendment, which does have nexus with the subject matter and further that even if the amendment is allowed the original nature of the application is not likely to be changed, we are

:: - 2 - :: M.A. 160/20 IN O.A. 1007/20

inclined to allow the present application. Hence, the following order: -

ORDER

- (i) The present M.A. is allowed.
- (ii) The necessary amendment be carried out within a week.
- (iii) The respondents have not yet filed affidavit in reply, they shall file the same even for the amended portion.
- (iv) The O.A. be listed for hearing on 9.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 566 OF 2021
(Manisha H. Sonar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri S.S. Tandale, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Affidavit in reply on behalf of the respondents has already been filed on record. The applicant does not intend to file any rejoinder affidavit. In the circumstances, list the present case for hearing on 16.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 567 OF 2021
(Arifa G. Maniyar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri S.S. Tandale, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Affidavit in reply on behalf of the respondents has already been filed on record. The applicant does not intend to file any rejoinder affidavit. In the circumstances, list the present case for hearing on 16.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 128 OF 2019
(Ganesh T. Pagare Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **7.4.2022**

ORAL ORDER :

Shri S.P. Urgunde, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 5 and Shri R.D. Khadap, learned counsel for respondent No. 6, are present.

2. Learned counsel for respondent No. 6 has sought time for filing affidavit in reply. Time granted.

3. S.O. to 16.6.222.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 423 OF 2020
(Rahul P. Deore Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri N.L. Chaudhari, learned counsel for the applicant (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. Since none appears for the applicant, S.O. to 16.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 153 OF 2021
(Dr. Kiran P. Rochkari Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 16.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 636 OF 2021
(Vitthal S. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 15.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 652 OF 2021
(Sadashiv N. Pohandulkar Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **7.4.2022**

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 3 to 5 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 15.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 751 OF 2021
(Santosh N. Harne Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Smt. Maya Jamdhade, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Await service of respondent No. 1.

3. S.O. to 10.6.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

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

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **7.4.2022**

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time to file affidavit in reply. Time granted.

3. S.O. to 9.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 202 OF 2022
(Dr. Rohir R. Zarkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time to file affidavit in reply. Time granted.

3. S.O. to 9.6.2022.

MEMBER (A)

MEMBER (J)

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

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **7.4.2022**

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time to file affidavit in reply. Time granted.

3. S.O. to 9.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 204 OF 2022
(Ganesh S. Bangale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri S.B. Kakde, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 9.6.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 412/2019 IN O.A.NO. 705/2019
(Suresh S. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri A.M. Hajare, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 8.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 7.4.2022-HDD

M.A.NO. 139/2020 IN O.A.NO. 866/2019
(Santoshsing K. Rajput Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **7.4.2022**

ORAL ORDER :

Shri Kalyan V. Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Await service for respondent No. 11.
3. S.O. to 9.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 7.4.2022-HDD

**M.A.NO. 202/2020 IN O.A.ST.NO. 443/2020
(Rama L. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time to file affidavit in reply. Time granted.

3. S.O. to 10.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 7.4.2022-HDD

M.A.NO. 47/2019 IN O.A.NO. 387/2016
(Dr. Nomani Muhammed Mufti Taher Vs. State of
Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.4.2022

ORAL ORDER :

Shri Avishkar D. Patil, learned counsel holding for Smt. Vinaya Muley Dharurkar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant has sought time for filing second set of the present case. Time granted.
3. S.O. to 14.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 7.4.2022-HDD

C.P.NO. 7/2021 IN O.A.NO. 768/2017
(Rajan A. Lengde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.4.2022

ORAL ORDER :

Shri S.D. Dhongde, learned counsel holding for Smt. Suchita A. Dhongde, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent No. 1 and Shri S.B. Mene, learned counsel for respondent No. 2, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.8.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 7.4.2022-HDD

Date : 07.04.2022
ORIGINAL APPLICATION NO. 328 OF 2022
(Ashok B. Pawar V/s State of Maharashtra & Ors.)

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

1. Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 05.05.2022. The case be listed for admission hearing on **05.05.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 07.04.2022

ORIGINAL APPLICATION NO. 329 OF 2022

(Suresh M. Jagtap V/s State of Maharashtra & Ors.)

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

1. Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 05.05.2022. The case be listed for admission hearing on **05.05.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

M.A.NO. 157/2022 IN O.A.NO. 104/2022
(Bhagwan N. Ugalmugale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.4.2022

ORAL ORDER :

Heard Mrs. Priya R. Bharaswadkar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. In the present matter earlier also the M.A. No. 109/2022 was filed as has been pointed out by the learned Chief Presenting Officer and the same has been rejected by this Tribunal. It is now the contention of the applicant that subsequently the applicant has been dismissed from services without conducting any enquiry as provided under the Maharashtra Civil Services Rules. Learned counsel in the circumstances has prayed for granting stay to the said order. It has to be noted that earlier order was to the effect that 'the services of the applicant are put to an end'. Against the said order we did not allow the application for interim relief. Subsequently, the order of dismissal seems to have been passed and the present M.A. is filed seeking stay to the said order by way of interim order. Even in the changed circumstances we do not find any *prima facie* case for grant of interim relief as prayed by the applicant. We reiterate that ultimately if the applicant succeeds in

**:: - 2 - :: M.A.NO. 157/2022 IN
O.A.NO. 104/2022**

proving that he was not appointed only as the nominee of the freedom fighter but there were other circumstances also, all the consequential benefits may be awarded in his favour.

3. With the observations as above, the M.A. stands disposed of without any order as to costs.

MEMBER (A)

MEMBER (J)

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

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **7.4.2022**

ORAL ORDER :

Mrs. Priya R. Bharaswadkar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 13.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 232 OF 2020
(Rohini N. Charole Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.4.2022

ORAL ORDER :

Heard Shri B.R. Kedar, learned counsel holding for Shri S.K. Mathpati, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri B.S. Chondhekar, learned counsel for respondent No. 4. Shri N.V. Gaware, learned counsel for respondent No. 5 (**absent**).

2. S.O. to 8.4.2022. High on board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 25 OF 2019
(Dnyaneshwar D. Kale Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **7.4.2022**

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 8.4.2022. High on board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 190 OF 2017
(Dattatraya J. Zombade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri V.R Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 12.4.2022. High on board.

MEMBER (A)

MEMBER (J)

**M.A.NO. 41/2022 IN O.A.NO. 458/2018
(Anita B. Kolgane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 6.6.2022. High on board.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 7.4.2022-HDD

**ORIGINAL APPLICATION NO. 941 OF 2019
(Dr. Shukracharya G. Dudhal Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 8.4.2022. High on board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 1057 OF 2019
(Jivan B. Thosar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

Shri Swapnil A. Deshmukh, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 2.5.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 160/2018
(Nilesh Purushottam Bansude Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **7.4.2022**

ORAL ORDER :

Heard Shri S.S. Dambe, learned Counsel along with Shri Sachin S. Panale, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The Deputy Director of Health Services, Latur Division had issued an advertisement for filling up the posts of Laboratory Technician, Blood Bank Technician, Dental Technician and Driver on 4.1.2016. The present applicant had applied for the post of Driver. The applicant appeared for the written examination and after passing the said examination was also called for driving test, however, his name was not included in the list of selected candidates. It is the case of the applicant that he has been illegally denied the appointment on the post of Driver on fallacious ground that he was not holding a valid driving license to drive heavy motor vehicle on the date of advertisement.

3. The learned Counsel for the applicant submitted that in the application form, which was to be filled in online, no

such condition was there and the contents of the relevant column were 'do you possess an effective driving license to drive heavy vehicle or a motor car or a jeep under the Motor Vehicles Act, 1939' and accordingly, applicant tick-marked said column in affirmative since he was holding license to drive light motor vehicle. It is the further contention of the applicant that he was permitted to appear for written examination and he secured meritorious position in the said examination. It is also contended that thereafter the applicant was called for driving test too and in the said test he was successful and secured 29 marks out of 40. The learned Counsel for the applicant further submitted that however at the time of scrutiny of documents applicant was required to submit a valid license to drive heavy motor vehicle. Applicant could not produce the same on record since he was not having such license on the said date. Consequently, applicant was not given appointment though he was standing high in order of merit.

4. The learned counsel appearing for the applicant assailed the decision of the respondent authorities on various grounds. The learned counsel submitted that in the Recruitment Rules meant for the post of Driver a person who possesses effective driving license under Motor Vehicle Act, 1939 to drive a heavy motor vehicle or a motor car or a jeep is held to be entitled for appointment to the

post of Driver. The learned counsel submitted that thus the Recruitment Rules do not mandate that a person must be holding a valid and effective driving license to drive a heavy vehicle. The learned counsel submitted that as provided in the Recruitment Rules any person who holds a valid and effective driving license to drive a motor car or a jeep is eligible to be appointed on the post of driver. The learned counsel submitted that it was impermissible for respondent No.4 to prescribe the eligibility criteria different than prescribed in the Recruitment Rules. The learned counsel submitted that in the circumstances the criteria as prescribed in the Recruitment Rules shall prevail and when the applicant was fulfilling the said criteria the respondents could not have rejected the candidature of the applicant on the ground that he was not holding a valid driving license to drive a heavy motor vehicle. The learned counsel submitted that in the online application form to be filled in by the candidates also there was no such condition. The learned counsel submitted that since the applicant was holding valid driving license to drive light motor vehicle he tick marked the said column in affirmative. The learned counsel submitted that the application form of the applicant was accepted and the applicant was permitted to appear for the written test in which the applicant has secured a meritorious position. The learned counsel further submitted that applicant was also called for driving

test and the applicant successfully went through the said test also. The learned counsel submitted that Health Department has simultaneously issued advertisements in some other regions and in the said advertisements in the eligibility clause all options are given and the candidate holding a driving license to drive a car or a jeep are also made eligible to apply for the post of driver.

5. For all aforesaid reasons, according to the learned counsel, the rejection of the candidature of the applicant by the respondents is erroneous. Learned counsel therefore prayed for setting aside the impugned order and consequent direction for giving appointment to the applicant.

6. The application is resisted by the respondents. In the affidavit in reply filed on behalf of the respondents it is contended that having regard to the requirement of the office of the respondent No. 4 the eligibility for the post of Driver is prescribed of holding a valid and effective driving license to drive heavy vehicle. In the affidavit in reply it is further contended that respondent No. 4 is having Medical Store wherein all types of medicines are stored. It is further averred that for transportation of said medicines to different Medical Institutions located at four districts, the heavy vehicles are used and to drive said vehicles the Drivers to be employed by respondent No. 4 are required to

be holding a valid and effective driving license to drive heavy motor vehicle.

7. The learned Chief Presenting Officer submitted that when in the advertisement it was specifically mentioned that the candidates must be holding a license to drive heavy motor vehicle, the applicant in fact should not have applied for the said post when he was not holding such driving license. The learned C.P.O. further submitted that if at all the applicant was having some grievance about eligibility criteria as prescribed in the advertisement, the applicant must have agitated the said issue with the appropriate authority. The learned C.P.O. further submitted that the applicant however, did not raise any objection in regard to said clause and participated in the selection process. The learned C.P.O. further submitted that after having participated in the recruitment process the applicant is estopped from raising any objection about the said condition. The learned C.P.O. therefore prayed for dismissal of the application.

8. We have carefully considered the submissions advanced by the learned counsel appearing for the parties. We have perused the documents filed on record.

9. As noted above, the foremost objection of the applicant is that the respondents were not having a right or

authority to prescribe the eligibility criteria other than prescribed in the Recruitment Rules. The Recruitment Rules are filed on record. In the said rules the eligibility criteria for appointment on the post of Driver is prescribed thus,

“(ii) possess an effective driving licence to drive a heavy vehicle or a motor car or a jeep under the Motor Vehicles Act, 1939.”

10. In the advertisement the eligibility criteria as prescribed against the post of driver is thus,

“वाहनचालक -

- 1. Possess an effective driving license to drive a heavy vehicle under the Motor Vehicle Act, 1939.*
- 2. have passed at least IVth standard examination of any recognized school and can speak in Marathi and Hindi language.*
- 3. Possess not less than three years experience of driving Motor Vehicles.*
- 4. Possess sound knowledge of all types of repairs of all Motor Vehicles and.*
- 5. Possess a good physique and knowledge of topography of the concerned area.”*

11. There cannot be a dispute that if in the Recruitment Rules the eligibility criteria is prescribed for a post, the appointing authority cannot prescribe any different criteria than prescribed in the Recruitment Rules. It has to be,

therefore, examined whether the criteria as prescribed in the advertisement issued by respondent No. 4 can be said to be different or contrary to the criteria prescribed in the Recruitment Rules. According to the learned counsel for the applicant, even if a person is holding a license to drive a motor car or a jeep, he must be held entitled or eligible for to be appointed on the post of Driver under the Recruitment Rules.

12. We are however, not convinced with the argument so advanced. First of all it appear to us that rules which are referred by the applicant pertain to the recruitment to the post of Drivers of motor car and jeep in Government offices. There may be separate rules and regulations for recruitment to the post of Drivers on heavy vehicles in the Government offices. The respondents however have not taken any such plea nor have placed on record any such rules, if in vogue. The learned C.P.O. also could not satisfy our query whether there are separate rules for the Drivers of heavy vehicles. In the circumstances, we have to decide controversy on the basis of material before us.

13. It is true that the Recruitment Rules provide that a person possessing effective driving license to drive a heavy vehicle or a motor car or a jeep under Motor Vehicles Act, 1939 shall be held eligible for appointment on the post of Driver. The said rule, however, cannot be interpreted to

mean that the condition of possessing a effective driving license to drive a heavy vehicle is to be dispensed with or cannot be solely prescribed even if the driver is to be appointed to drive heavy vehicle. The aforesaid clause in the Recruitment Rules has to be given a purposive interpretation to mean that a person must be possessing a effective driving license to drive either a heavy vehicle or a motor car or a jeep under the Motor Vehicles Act, 1939, as per the requirement in the particular recruitment process. While conducting the recruitment process, the eligibility may be prescribed as per the requirement. In other words, if the appointing authority is in need of a driver to drive a heavy vehicle then the eligibility criteria may be of a effective driving license to drive heavy vehicle. In other cases it may be as per clause 2(c)(ii) of the Recruitment Rules. However, in no case it can be said that the drivers not holding effective driving license to drive a heavy vehicle shall also be made eligible for appointment on the post of Driver to drive heavy vehicle.

14. In the instant matter, in the affidavit in reply filed on behalf of respondent Nos. 1 to 4 in paragraph 12 it is averred thus,

“12. As regards to the contents of Para No. 6(9) of the Original Application, I say and submit that the contents of this para are true and admitted. However, I say and submit that the office of the respondent no. 4 is a regional office with the charge of all Health

Institutions located in the 4 districts. The said office is having a Medical Store. All type of medicines stored in this store are required to be transported to different health institutions located in 4 districts. For this purpose, heavy vehicles are being used. To drive these vehicles the driver must be holding the valid heavy vehicle driving license. Therefore, in the advertisement, it was specifically mentioned that the candidate must possess valid heavy vehicle driving license. Since the scrutiny of the documents of the applicant reveals that he is not possessing the same, his candidature was cancelled. In the advertisement it is clearly mentioned that required qualification and eligibility criteria of all posts and the applicant is not fulfilled requisite criteria as per the said advertisement.”

In the aforesaid circumstance and for aforesaid reason the respondent No. 4 if has prescribed that the candidate to be appointed on the post of Driver must be possessing a effective driving license to drive a heavy vehicle, in our opinion, the act of respondent No. 4 in prescribing such eligibility criteria cannot be interpreted to mean that he has prescribed the eligibility different than Recruitment Rules. According to us, the eligibility so prescribed in the advertisement is absolutely in consonance and in tune with the eligibility prescribed under the Recruitment Rules. We, therefore, see no substance in the objection raised on behalf of the applicant that the respondents have committed illegality in prescribing such eligibility criteria for the post of driver.

15. In the online application form the clause pertaining to eligibility, though was also prescribing the alternates of holding effective driving license to drive a motor car or a jeep, the fact remains that in the advertisement on the basis of which the recruitment process was to be carried out, the eligibility was prescribed of holding a valid and effective driving license to drive heavy vehicle.

16. Admittedly, the applicant did not raise any grievance about the eligibility criteria mentioned in the advertisement. It is also not the case of the applicant that any clarification was sought by him in regard to the aforesaid clause from the appointing authority referring to the eligibility criteria prescribed in the Recruitment Rules. The applicant was having full knowledge that he was not qualified/eligible for appointment on the said post as because he was not holding a valid driving license to drive a heavy vehicle. In spite of that and without making any grievance in that regard the applicant participated in the selection process. In the circumstances, as has been rightly submitted by the learned C.P.O. the applicant is estopped from raising any objection in regard to the condition incorporated in the said advertisement.

17. The learned counsel for the applicant further submitted that though in the advertisement the respondents have prescribed the eligibility criteria for the

post of Driver to have the effective driving license for driving heavy vehicle, in fact, there is no such requirement in view of the fact that there is no heavy vehicle at the disposal of the respondent no. 4's office. The learned counsel invited our attention to the information collected in that regard under the R.T.I. Act. The learned counsel pointed out that the only vehicle possessed by respondent no. 4 is TATA SUMO jeep. According to the learned counsel, in the circumstances, there was no reason for respondent no. 4 to require a driver having driving license to drive heavy vehicle.

18. The learned counsel further submitted that if the respondents would really be in need of a person to drive heavy vehicle, in the driving test conducted of the eligible candidates they must have been asked to drive a heavy vehicle. The learned counsel submitted that it has come on record and documents in that regard are produced on record showing that none of the eligible candidate was asked to drive any heavy vehicle. The learned counsel submitted that on the contrary, heavy vehicle was not on the spot where the driving test was conducted. It was further contended that since the driving test was conducted on light motor vehicle, it can be reasonably inferred that the respondents are in need of a driver to drive light motor vehicle.

19. The learned counsel thereafter submitted that the other regional offices of the Health Department have not prescribed any such criteria in the advertisements published in respective regions. The learned counsel invited our attention to the advertisement published by Nashik region, as well as, Aurangabad region. In both the advertisements in the eligibility clause, option of having driving license to drive light motor vehicle has also been provided along with requirement of driving license to drive heavy vehicle. The learned counsel submitted that this aspect cannot be simply ignored. The learned counsel added that if all these circumstances are cumulatively considered lead to an inference that without any requirement and contrary to the recruitment rules, in the advertisement for Latur region the eligibility was prescribed of holding driving license to drive heavy vehicle and no option was given of holding driving license to drive light motor vehicle.

20. The learned counsel submitted that in the above circumstances the act of the respondents of not considering the candidature of the applicant appears to be illegal and hence deserves to be quashed and set aside. The learned counsel further submitted that in the meantime the applicant has also secured the license to drive heavy motor vehicle. According to the learned counsel, in the circumstances, now there may not be any

reason for not appointing the applicant. The learned counsel submitted that in order of merit the applicant is standing at high position and now he has acquired the license to drive heavy vehicle also. In the circumstances, directions are sought against the respondents to consider the applicant for to be appointed on the post of Driver.

21. The above submissions have not impressed us much. Whether office of respondent no. 4 at present is having heavy motor vehicle is immaterial. In para 12 of the affidavit in reply the respondents have specifically come out with defense that the office of the respondent no. 4 is a regional office with the charge of all Health Institutions located in the 4 districts. The said office is having a Medical Store. All types of medicines stored in said store are required to be transported to different health institutions located in 4 districts. For this purpose, heavy vehicles are being used. To drive these vehicles the driver must be holding the valid heavy vehicle driving license. Respondent no. 4, at present may not be owning a heavy vehicle but it may borrow or hire the heavy vehicle from the other Government departments or may purchase such vehicle. The requirement of respondent no. 4 cannot be held to be false on the ground that presently respondent no. 4 does not possess heavy vehicle.

22. We reiterate that in the present matter more material is the condition incorporated in the advertisement that the candidate must be holding effective driving license to drive heavy vehicle. It is thus evident that the persons aspiring for the said post were put on notice that they must be holding effective driving license to drive heavy vehicle. As such, only because no driving test was conducted on heavy motor vehicle, it cannot be inferred that the condition of possessing driving license to drive heavy vehicle was dispensed with.

23. Another objection which has been raised is that in other districts wherein simultaneously advertisements are published, option is also given of holding driving license to drive light motor vehicle. The advertisements published for Nasik and Aurangabad region are brought to our notice. This objection also deserves to be rejected in view of the fact that in some other districts same condition as has been incorporated in the present matter has been incorporated. The learned C.P.O. submitted that in Akola region condition has been prescribed of holding driving license to drive heavy vehicle. As we have noted earlier the eligibility criteria depends upon requirement of concerned department.

24. We reiterate that in the advertisement for filling in the posts of driver in the Latur Region the respondents

have prescribed the condition of holding effective driving license to drive heavy motor vehicle. It was well within the competence of the respondents to prescribe such eligibility criteria. As we have noted herein above in para 12 of the reply the respondents have amply clarified the object and intention behind prescribing such eligibility criteria. As such, it cannot be said that the respondents have deviated from the Recruitment Rules.

25. Secondly, the applicant did not raise any grievance or dispute about the eligibility criteria so prescribed and without raising any such objection participated in the selection process. It is settled law that a person who consciously takes part in the process of selection cannot thereafter turn around and question the method of selection and its outcome. The present applicant having taken part in the process of selection with full knowledge that the recruitment was being made under the terms and conditions incorporated in the advertisement, had in fact waived his right to question the advertisement or eligibility criteria prescribed in the said advertisement for the said post.

26. Now it is the contention of the applicant that he has acquired the license to drive heavy vehicle. However, fact remains that on the date of making application the

applicant was not holding such license and as such, in fact he was not eligible for making such application. On the date of scrutiny of documents also the applicant could not produce the said license. The subsequent acquiring of license by the applicant, therefore, may not be of any help for the applicant. On the date of scrutiny of the documents the person next to the applicant in order of merit was having better claim on the said post. The eligibility for appointment on the subject post was to be decided in the context with the date of advertisement and date of scrutiny of documents. In the circumstances, even if the applicant would have now acquired the driving license to drive heavy motor vehicle, the person, who has on the date of scrutiny of documents proved his eligibility, will have the first claim on the subject post. Admittedly, there are certain candidates who have also succeeded in the written examination and driving test and their names are included in the waiting list. One of such candidate has filed Original Application and same is also on today's board.

27. After having considered the case of the present applicant from all angles it does not appear to us that the respondents have committed any error or illegality in rejecting the candidature of the applicant. The present Original Application being devoid of any substance

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O.A. NO. 160/2018

deserves to be dismissed and is accordingly dismissed,
however, without any order as to costs.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 7.4.2022

ORIGINAL APPLICATION NO. 844/2018

(Navnath Mahadeo Shendear Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 7.4.2022

ORAL ORDER :

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

2. The applicant is praying for a direction to the respondents to consider his case for the post of Driver as there has arisen a vacancy and the applicant is at sr. no. 1 in the waiting list prepared by the respondents. The learned counsel for the applicant submitted that 3 seats of Drivers were reserved for O.B.C. candidates and the present applicant was the 4th O.B.C. candidate in order of merit. The learned counsel submitted that one Shri Nilesh Purushottam Bansude was the 3rd candidate in order of merit in the category of O.B.C. The learned counsel further submitted that in view of the order passed by the Tribunal today in O.A. No. 160/2018 filed by said Shri Nilesh Purushottam Bansude, the present applicant has become entitled for his appointment, since he stands next to said Shri Nilesh Bansude in order of merit. The learned counsel submitted that the respondents be therefore directed to issue appointment order in favour of the applicant.

3. It is not in dispute that the present applicant stands next to Shri Nilesh Purushottam Bansude, applicant in O.A. No. 160/2018. It is also not in dispute that O.A. No. 160/2018 has been dismissed by this Tribunal today. In the circumstances, the respondents may consider the name of the present applicant for the appointment on the post of Driver from O.B.C. category, if he is otherwise entitled for the said post.

4. With the directions as aforesaid, the present Original Application stands disposed of without any order as to costs.

MEMBER (A)

MEMBER (J)