

**M.A. No. 331/2021 in O.A No. 76/2018**  
(State of Maharashtra & Ors. Vs. Purushottam S. Andhale & Ors. )

**CORAM : Shri V.D. Dongre, Member (J)**

**DATE : 07.05.2021**

**ORAL ORDER :**

Heard Shri S.K. Shirse, learned Presenting Officer for the applicants in the present M.A. (Respondent Nos. 1 & 2 in O.A.), Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmkh, learned Advocate for respondents in present M.A. (Applicants in O.A.), Shri L.M. Kulkarni, learned Advocate for respondent Nos. 3 to 6 in O.A. and Shri Suhas Shirsat, learned Advocate for respondent Nos. 7 to 9 in O.A.

2. Learned Presenting Officer for the applicants in the present M.A. submits that by the order dated 15.03.2021 learned Division Bench of this Tribunal at Mumbai modified the order of interim relief dated 18.09.2018, but inadvertently no formal order in this M.A. No. 331/2020 was passed.

3. In the facts and circumstances as above, it seems that by the order dated 15.03.2021 learned Division Bench of this Tribunal at Mumbai in fact has disposed of the said M.A. No. 331/2020, but no formal order is passed. Hence, now the present M.A. No. 331/2020 stands disposed of in terms of order dated 15.03.2021. No order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 76 OF 2018**  
**(Purushottam S. Andhale & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Shri V.D. Dongre, Member (J)**

**DATE : 07.05.2021**

**ORAL ORDER :**

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicants, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri L.M. Kulkarni, learned Advocate for respondent Nos. 3 to 6 and Shri Suhas Shirsat, learned Advocate for respondent Nos. 7 to 9.

2. Record shows that the present O.A. is for final hearing.

3. At the request of learned Advocate for the applicants, matter is adjourned for final hearing on 07.07.2021.

**MEMBER (J)**

**M.A. No. 295/2020 in O.A. No. 77/2020**  
(Mahesh S. Khedkar Vs. State of Maharashtra & Ors.)

**CORAM : Shri V.D. Dongre, Member (J)**

**DATE : 07.05.2021**

**ORAL ORDER :**

**M.A. NO. 295/2020**

Heard Shri C.T. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Record shows that the order dated 16.12.2020 passed in M.A. No. 295/2020 by this Tribunal name of the respondent No. 2 was ordered to be deleted, as the said party was wrongly added, but no amendment to that effect is carried out by the applicant or his Advocate.

3. In view of this, the applicant is directed to carry out the necessary amendment in the O.A. forthwith.

**O.A. No. 77/2020**

S.O. to 05.07.2021 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 444 OF 2020**  
**(Alkesh D. Getme Vs. State of Maharashtra & Ors.)**

**CORAM : Shri V.D. Dongre, Member (J)**

**DATE : 07.05.2021**

**ORAL ORDER :**

Heard Shri S.T. Chalikwar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri E.G. Irale, learned Advocate for respondent Nos. 3 & 4 and Shri B.R. Kedar, learned Advocate for respondent No. 5.

2. Record shows that affidavit in reply is filed by the respondent Nos. 1, 2 & 5.

3. Learned Advocate for respondent Nos. 3 & 4 has filed affidavit in reply. Same is taken on record. He undertakes to serve copy of the said affidavit in reply on the other side.

4. In view of the same, the present matter is fixed for hearing at the stage of admission.

5. S.O. to 29.06.2021.

**MEMBER (J)**

**M.A.NO. 162/2020 IN O.A.ST.NO. 522/2020  
(Sandu Y. Dongre Vs. State of Maharashtra & Ors.)**

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

**DATE : 07.05.2021**

**ORAL ORDER :**

By this application the applicant is seeking condonation of delay of 522 days in filing Original Application.

2. The applicant has filed Original Application for quashing the order of suspension dated 6.1.2018 passed by the respondent No. 2 and order dated 14/18.12.2019 rejecting the proposal for review of suspension passed by the respondent No. 5.

3. It is the contention of the applicant that when he was working at Jalna in Public Trust Registration Office, FIR came to be registered against him bearing F.I.R No. 158/17 (wrongly mentioned as 0171) dated 26.04.2017 registered with Kadim Jalna Police Station, Jalna under Section 7 and 13 of the Prevention of Corruption Act 1988. The said crime was registered on the basis of complaint of Santosh Taracand Yadav. The allegations were that the applicant had demanded Rs. 1000/- and accepted bribe of Rs. 300/- for

registration of one institution under the Public Trust Act. The applicant was arrested on 26.04.2017. He was released on bail by the Court on the same day. The applicant, thereafter, came to be suspended vide order dated 06.01.2018. The applicant made various representations seeking revocation of the suspension order and also for submitting proposal before the Review Committee as per Government Resolution dated 14.10.2011 and 9.7.2019. The respondent No. 2 however, filed incomplete proposal before the Review Committee and, therefore, it was rejected by the Review Committee. The applicant was under bonafide belief that he was pursuing the presentations and would be considered favourably by the authority. In view of the same, he could not approach the Tribunal for seeking redressal in time.

4. The applicant is a handicapped (blind person). His wife and old aged mother are suffering from illness. The applicant was facing with financial difficulties. The delay is not intentional and deliberate. Hence, this application.

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

6. The record would reveal that the O.A. St. No. 522/2020 is filed on or about 11.06.2020 challenging the suspension order dated 06.01.2018 passed by the respondent No. 2, as well as, review order dated 14/18.12.2019.

7. Considering the last impugned order dated 14/18.12.2019 passed by the respondent No. 5, the Divisional Commissioner (Revenue), Chairman, Suspension Review Committee, Aurangabad, delay can be said to be of about 157 days.

8. Pleadings would show that various representations dated 4.9.2018, 26.9.2018, 13.2.2019 and 28.2.2019 were made by the applicant for revocation of suspension from time to time. It is stated that the applicant is also facing the departmental enquiry and he is still under suspension. In view of the same, even if some negligence can be attributed to the applicant not approaching the Tribunal within a reasonable time, the said negligence

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O.A.ST.NO. 522/2020**

cannot be said to be gross or deliberate one. Thereby the applicant had nothing to gain. Refusing to give indulgence in the matter is likely to be resulted into cause of justice being defeated. In view of the same, in my opinion, fair opportunity should be given to the applicant to pursue the remedy. Moreover, it is a settled principle of law that the expression 'sufficient cause' is to be construed liberally. Considering the facts and circumstances as above, in my opinion, this is a fit case to condone delay.

9. Therefore, delay in filing the O.A. St. No. 522/2020 is hereby condoned. The office is directed to register the said O.A. St. No. 522/2020 in accordance with law by taking into consideration any other office objections, if any.

Accordingly, the present M.A. stands disposed of with no order as to costs.

**MEMBER (J)**



**ORIGINAL APPLICATION ST.NO. 522 OF 2020  
(Sandu Y. Dongre Vs. State of Maharashtra & Ors.)**

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

**DATE : 07.05.2021**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 07.07.2021.

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.

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**O.A. ST.NO. 522 OF 2020**

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 07.07.2021.

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

**MEMBER (J)**

**Date : 7.5.2021**  
**O.A. NO. 209/2021**  
**(Sayed Shoukatali Sabirali V/s State of**  
**Maharashtra & Ors.)**

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

1. Shri H.M. Shaikh, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 8.6.2021. The case be listed for admission hearing on 8.6.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**REGISTRAR**

**ORIGINAL APPLICATION NO. 44/2020**  
**(Asha S. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 7.5.2021**

**ORAL ORDER :**

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

2. During the course of arguments for final hearing, it reveals that, affidavit in reply dated 29.1.2021 is filed on behalf of respondent no. 4 pursuant to the directions given by this Tribunal vide orders dated 20.1.2021 and 21.1.2021. Annex. R-1 annexed to this affidavit in reply of respondent no. 4 dated 29.1.2021 is at paper book page 107 of the O.A. The said document is a list of vacant posts falling from January, 2015 to May, 2020. Learned C.P.O. for the respondents submits that though the posts are shown as vacant during the said period, still none of these posts was available for filling in from the quota of compassionate appointment. He further submits that further short affidavit of the concerned respondent will be filed to clarify this position. He seeks time for filing further short affidavit of the concerned respondent to clarify the above position.

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**O.A. NO. 44/2020**

3. Considering the controversy involved in the present matter, such explanatory affidavit of the concerned respondent is necessary.

4. In view of above, S.O. to 9.6.2021. The matter be treated as part heard.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 980/2019**  
**(Suresh E. Jagtap Vs. State of Maharashtra & Ors.)**

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

**DATE : 7.5.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has filed on record the precipe seeking withdrawal of the present O.A. It is contended that this case is pertaining to transfer of the applicant. He further submits that during the pendency of the O.A. the State Government has issued the transfer order of the applicant and posted him at Pune and therefore the grievance of the applicant is redressed thereby. Therefore, the applicant does not want to proceed with the present O.A.

3. In the above facts and circumstances of the case, I do not find any ground to refuse the permission to the applicant to withdraw the present O.A.

4. In the circumstances, the present O.A. stands disposed of as withdrawn. There shall be no order as to costs.

**MEMBER (J)**