

**ORIGINAL APPLICATION NO.209/2004  
(Shaikh Abdul Khaja Miya Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.12.2021**

**ORAL ORDER :**

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

2. Arguments of the learned Advocate appearing for the applicant and the learned CPO for respondents are finally heard. The matter is now posted for query, if any, by the Tribunal, thereafter, the matter will be posted for order.

3. S.O. to 16-12-2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.14/2021  
(Jaykumar Koli Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.12.2021**

**ORAL ORDER :**

Shri A.S.Mirajgaonkar learned Advocate holding for Shri C.V.Dharurkar, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. At the request of learned Advocate for the applicant, S.O. to 14-01-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.392/2021  
(Pravin Hivrale & 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 : 08.12.2021**

**ORAL ORDER :**

Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. At the request of learned P.O., S.O. to 17-12-2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO.308/2021 IN O.A.NO.492/2021**  
**(Ganesh Chate & 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 : 08.12.2021**

**ORAL ORDER :**

Shri V.B.Wagh, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 06-01-2022.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO.369/2021 IN O.A.NO.722/2019**  
**(Samadhan Dubele Vs. State of Maharashtra & Ors.)**

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

**DATE :** **08.12.2021**

**ORAL ORDER :**

Shri Ajay S. Deshpande, learned Advocate for the applicants in O.A., Shri M.S. Mahajan, learned C.P.O. for respondent Nos. 1 to 3, Shri M.B. Kolpe, learned Advocate for respondent No. 4, Shri A.S. Deshmukh, learned Advocate for the applicant in M.A. and for Respondent Nos. 5, 6, 71, 87, 150, 198, 211, 229, 369, 489, 511, 528, 625, 628 & 629 in O.A., Shri G.K. Kshirsagar, learned Advocate for the Respondent Nos. 221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627 in O.A., Shri G.M. Ghongade, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Respondent Nos.15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554 and Shri Ajay U. Chandel, learned Advocate holding for Shri Sandeep Dere, learned Advocate for Respondent Nos. 142, 248, 412, 20, 22, 23, 30, 33, 36, 58, 60, 75, 78, 79, 84, 90, 92, 94, 109, 111, 115, 117, 121, 123, 126, 130, 132, 133, 158, 162, 171, 173, 177, 178, 180, 189, 196, 200, 205, 209, 210, 213, 216, 218, 226, 240, 255, 258, 260, 267, 271, 272, 594, 277, 279, 298, 303, 309, 315, 320, 326, 339, 343, 349, 351, 359, 372, 377, 382, 390, 391, 400, 402, 407, 411, 415, 417, 422, 426, 428, 436,

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M.A.NO.369/201 IN O.A.NO.722/2019

442, 450, 451, 453, 325, 456, 458, 467, 475, 477, 478, 479, 488, 491, 500, 502, 512, 514, 517, 533, 535, 536, 541, 545, 550, 367, 560, 563, 565, 568, 569, 596, 603, 618, 619, 624, 626, 630, 634, 636 & 638 and Shri Ashish Rajkar, learned Advocate for the respondent Nos. 105, 317, 443 & 458, are present.

2. Shri A.S.Deshmukh learned Advocate has filed affidavit in reply on behalf of respondent nos.10 and 11 (Original Respondent nos.5 and 6). It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 10-12-2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.682/2018  
(Rahul Shirsath Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.12.2021**

**ORAL ORDER :**

Shri V.B.Wagh, learned Advocate for the applicant and Shri Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 10-12-2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.142/2018  
(Suresh Moholkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.12.2021**

**ORAL ORDER :**

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

2. At the request and consent of both the parties, S.O. to 17-01-2022.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO.213/2018**  
**(Balaji Sontakke Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.12.2021**

**ORAL ORDER :**

Ku. Preeti Wankhade, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 05-01-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.569/2018  
(Prashant Bonge Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.12.2021**

**ORAL ORDER :**

Shri S.S.Ware, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 11-01-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.627/2018**  
**(Amol Chaudhari Vs. State of Maharashtra & Ors.)**

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

**DATE :** **08.12.2021**

**ORAL ORDER :**

Smt. Suchita Dhongde, learned Advocate for the applicant, Smt. Sanjivani Ghate, learned Presenting Officer for the respondent no.1 and Shri Kuldeep P. Mahale & Shri Anand P. Thakare learned Advocates for respondent no.2, are present.

2. At the request and consent of both the parties, S.O. to 14-01-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.854/2018  
(Bhima Chakale Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.12.2021**

**ORAL ORDER :**

Shri Manish P. Tripathi, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 13-01-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.927/2018**  
**(Shamrao Kadam & 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 : 08.12.2021**

**ORAL ORDER :**

Shri Vilas P. Savant, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 06-01-2022.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NO.11/2019, 30/2019 & 81/2019**  
**(Bapuraog Dongar & 2 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 :** **08.12.2021**

**ORAL ORDER :**

Shri S.B.Solanke, learned Advocate for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondents in respective cases, are present.

2. At the request and consent of both the parties, S.O. to 18-01-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.12/2019**  
**(Dr. Deepak Shejwal Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.12.2021**

**ORAL ORDER :**

Shri Shamsundar B. Patil, learned Advocate for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent nos.1 to 3 and Ku. Anagha Pandit learned Advocate holding for Shri S.B.Talekar learned Advocate for respondent no.4, are present.

2. At the request and consent of both the parties, S.O. to 23-12-2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.444/2019  
(Dnyanoba Bilapte Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.12.2021**

**ORAL ORDER :**

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

2. At the request and consent of both the parties, S.O. to 22-12-2021.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO.187/2020  
(Basanti Padavi Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.12.2021**

**ORAL ORDER :**

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

2. At the request and consent of both the parties, S.O. to 05-01-2022.

**MEMBER (A)**

**MEMBER (J)**

**C.P. NO. 01/2020 IN O.A. NO. 824/2016  
(Dr. Asha A. Kadam Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

Heard Shri S.P. Jadhav, learned Advocate holding for Shri Shamsunder B. Patil, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. When the present Contempt Petition is taken up for consideration the learned P.O. appearing for the respondents has tendered across the bar the copy of the order passed by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad on 27.1.2021 in writ petition No. 1556/2021 and the batch. It is taken on record.

3. Learned P.O. submitted that since the issue involved in the present C.P. is pending for consideration before the Hon'ble High Court, the order dated 25.9.2018 passed by the Tribunal in O.A. No. 824/2016 has not been complied with by the respondents.

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**C.P. NO. 01/2020 IN**  
**O.A. NO. 824/2016**

4. The contention of the learned P.O. is not acceptable. Admittedly, the respondents have not preferred any writ petition against the order passed by the Tribunal on 25.9.2018 in O.A. no. 824/2016 before the Hon'ble High Court. The order dated 27.1.2021 passed by the Hon'ble High Court in writ petition No. 1556/2021 and the batch, which is tendered across the bar by the learned P.O., reveals that the Hon'ble High Court has not granted any interim relief even in the said matter. In the circumstances, ground as has been raised by the respondents for not complying with the order of the Tribunal passed in O.A. no. 824/2016 is apparently unacceptable. Moreover, when the notice in the present C.P. has been served on the respondents way back in the year 2020, there seems no good ground for seeking further time for filing affidavit in reply.

5. It is noticed that the approach of the respondents is too casual. If it is the contention of the respondents that the relevant issue is pending and that is the reason for not complying with the order passed in O.A., short affidavit could have been filed much

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**C.P. NO. 01/2020 IN**  
**O.A. NO. 824/2016**

earlier, since the order today produced by the learned P.O. is passed in the month of January, 2021. We express our displeasure towards the approach adopted by the authorities.

6. We direct the authorities to implement the order dated 25.9.2018 passed by the Tribunal in O.A. No. 824/2016 within next one month. It will be open for the authorities to mention in the said order that the applicant would be bound by the decision of the Hon'ble High Court, if the issue involved in the O.A. No. 824/2016, according to the authorities, is similar to issue before the Hon'ble High Court.

7. S.O. to 7.1.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 608/2018  
(Narendra S. Suryawanshi & Anr. Vs. State of Maha. &  
Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

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

2. With the consent of both the sides, S.O. to 10.1.2022 for hearing at the stage of admission.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 8.12.2021

**ORIGINAL APPLICATION NO. 950/2019**  
**(Smt. Jayashri T. Thakur Vs. State of Maha. & Ors.)**

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

**DATE :** **8.12.2021**

**ORAL ORDER :**

Shri H.A. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Learned P.O. has sought time to file affidavit in reply of the respondents after the O.A. is amended by the applicant. Time granted as a last chance.

3. S.O. to 7.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 8.12.2021

**ORIGINAL APPLICATION NO. 331/2020  
(Santosh B. Jadhav Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

Shri S.P. Dhoble, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Short accommodation is sought by the learned P.O. for filing sur-rejoinder of the respondents. Time granted.

3. S.O. to 21.12.2021.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 8.12.2021

**ORIGINAL APPLICATION NO. 312/2021  
(Subodh B. Dhonde Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

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

2. Time is sought by the learned P.O. for filing affidavit in reply of the respondents. Time granted as a last chance.

3. S.O. to 6.1.2022.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 401/2021  
(Ramreddy R. Aitwar Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

Shri S.P. Jadhav, learned Advocate holding for Shri Shamsunder B. Patil, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicant has filed rejoinder affidavit of the applicant. It is taken on record and copy thereof has been supplied to the learned P.O. for the respondents.

3. S.O. to 12.1.2022 for hearing at the stage of admission.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 8.12.2021

**ORIGINAL APPLICATION NO. 456/2021  
(Shri Sunil N. Jahagirdar Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

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

2. The present O.A. is filed seeking directions against the respondent no. 1 to decide the appeal filed by the present applicant on 17.12.2019 against the order of punishment dated 28.11.2019 passed by the respondent no. 2.

3. The respondent No. 1 has not filed affidavit in reply to the present O.A.

4. Upon going through the contents of the present O.A., it appears that the applicant has certainly made out a good case for allowing the O.A. The respondents must have decided the appeal filed by the present applicant on 17.12.2019 against the punishment order dated 28.11.2019 passed by the respondent no. 2, within a reasonable time, but the same has not yet

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**O.A. NO. 456/2021**

been decided by the respondent no. 1. In the circumstances, we are inclined to allow the present O.A. Hence we pass the following order :-

**ORDER**

- (i) The respondent no. 1 shall decide the appeal filed by the applicant on 17.12.2019 against the order of punishment dated 28.11.2019 issued by the respondent no. 2 within a period of 3 months from the date of this order.
- (ii) The present O.A., thus stands allowed with no order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**M.A. 51/2019 IN O.A. ST. 354/2017  
(Ashruba B. Jaybhaye Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

Smt. Renuka Ghule, learned Advocate for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. Affidavits in reply are already filed by the respondents.

3. It is clarified that if the present O.A. is not proceeded further on the next date, the same shall dismiss for want of prosecution.

4. S.O. to 13.1.2022.

**MEMBER (A)**

**MEMBER (J)**

**M.A. 63/2021 IN O.A. 1065/2019**  
**(Dr. Jahagirdar D. Nizam Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

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

2. Learned P.O. has submitted that during the course of the day he will file affidavit in reply of the respondents and will serve copy of the same on the learned Advocate for the applicant.

3. List the present matter for hearing on 17.12.2021.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 8.12.2021

**M.A. 248/2020 IN O.A. ST. 913/2020  
(Shri Rajendra B. Pawar Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

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

2. The present M.A. has been filed by the applicant for condonation of about 7 years delay caused in filing accompanying O.A.

3. The applicant has filed the accompanying O.A. for the following reliefs :-

*“(B) To direct the respondents to treat the date of permanent service w.e.f. 1.10.1988 of the applicant and fix his pay from said date and grant him Time Bound Promotions / Assured Career Progression Scheme on completion of 12 / 24 years services and grant all other consequential benefits.*

*(C) To direct the respondents to count the temporary / ad-hoc service rendered by the applicant w.e.f. 1.10.1988 as qualifying service as per rule 30 of M.C.S. (Pension) Rules & revise*

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**M.A. 248/2020 IN**  
**O.A. ST. 913/2020**

*his pay appropriately and grant all consequential benefits forthwith.*

*(D) To hold and declare that, the applicant is appointed in Government service on permanent basis w.e.f. 1.10.1988 and fix his pay scale from said date and grant him consequential benefits.*

*(E) To direct the respondents to take decision on the applications dated 27.6.2019 & 20.8.2020 submitted by the applicant within 4 weeks.”*

4. It is the contention of the applicant that as there was continuous cause of action, it cannot be said that delay is committed by the applicant in approaching the Tribunal. It is his further contention that the applicant was not aware of the fact that in the cases of similarly situated candidates, the relief now he is seeking, has already been granted to them. Learned Advocate further submitted that the applicant is claiming that his temporary services be counted for pensionary benefits.

5. Learned P.O. has opposed the submissions of the learned Advocate for the applicant stating that no just

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**M.A. 248/2020 IN**  
**O.A. ST. 913/2020**

and sufficient reasons have been assigned for long delay of 7 years occurred in filing the O.A. He, therefore, prayed for rejection of M.A.

6. After having considered the facts and having regard to the prayers made by the applicant in the O.A., it appears that the delay of about 7 years though may be of a longer period, may not be fatal when he is seeking the relief, which has been granted to the similarly situated candidates. Therefore, we are inclined to allow the present M.A. Hence the following order :-

**ORDER**

- (i) The M.A. stands allowed with no order as to costs.
- (ii) The delay caused in filing the accompanying O.A. is condoned.
- (iii) Registry to register the accompanying O.A. according to law.

**MEMBER (A)**

**MEMBER (J)**



**O.A. ST. 913/2020**  
**(Shri Rajendra B. Pawar Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

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

2. Issue notice to the respondents, returnable on 12.1.2022.
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 12.1.2022.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**MEMBER (J)**

**M.A. 64/2021 IN O.A. ST. 1234/2020**  
**(Shri Prabhakar B. Bush Vs. State of Maha. & Ors.)**

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

**DATE :** **8.12.2021**

**ORAL ORDER :**

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

2. The present M.A. has been filed by the applicant for condonation of about 244 days delay caused in filing the accompanying O.A.

3. When the present M.A. is taken up for consideration, the learned P.O. has sought time for filing affidavit in reply of the respondents.

4. After having gone through the contents of the M.A. and the delay occurred in filing the O.A., we do not find that any elaborate reply is necessary from the side of respondents. The learned P.O. can very well make oral submission for opposing the present M.A.

5. Learned Advocate for the applicant submits that though the cause of action has been arisen in the year

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**M.A. 64/2021 IN**  
**O.A. ST. 1234/2020**

2019 and the applicant was supposed to file the O.A. within one year thereafter, because of lockdown imposed by the Government for preventing further spread of COVID-19, the applicant could not file the O.A. within time. It is further contention of the applicant that there is continuing cause for the applicant and that is another ground for condoning the delay.

6. Learned P.O. has opposed the submissions of the learned Advocate for the applicant stating that no just and sufficient reasons have been assigned for condoning the delay occurred in filing the O.A. He, therefore, prayed for rejection of M.A.

7. After having considered the facts and hearing the arguments advanced by both the sides, it appears to us that the delay has been properly explained and the applicant, therefore, needs to give an opportunity to prosecute the O.A. on merit. Therefore, we are inclined to allow the present M.A. Hence the following order :-

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**M.A. 64/2021 IN**  
**O.A. ST. 1234/2020**

**ORDER**

- (i) The M.A. stands allowed with no order as to costs.
- (ii) The delay of about 244 days' caused in filing the O.A. is condoned.
- (iii) Registry to register the accompanying O.A. according to law.

**MEMBER (A)**

**MEMBER (J)**

**O.A. ST. 1234/2020**  
**(Shri Prabhakar B. Bush Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

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

2. Issue notice to the respondents, returnable on 13.1.2022.
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 13.1.2022.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**MEMBER (J)**

**C.P. 21/2021 IN O.A. 355/2021  
(Shri Rajendra T. Dawange Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

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

2. Learned C.P.O. submits that within a week he will make submissions, after taking instructions from the concerned authorities. Time granted.

3. S.O. to 20.12.2021.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 8.12.2021

**C.P. 21/2019 IN O.A. ST. 1857/2017  
(Shri Vasant N. Phad Vs. State of Maha. & Ors.)**

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

**DATE : 8.12.2021**

**ORAL ORDER :**

Heard Shri Swaraj Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent no. 3 and Shri S.B. Mene, learned Advocate for respondent nos. 1 & 2.

2. When the present matter is taken up for consideration it is apparently noticed that in the C.P. the persons, who were not party respondents in the O.A., are named as Contemnors. We have perused the order dated 4.1.2018 passed by the Tribunal in O.A. By the said order it was directed by the Tribunal that the respondent no. 3 in O.A. to decide the representation dated 4.5.2017 preferred by the applicant.

3. Shri Mene, learned Advocate for respondent nos. 1 & 2 and the learned P.O. for respondent no. 3 submit that the respondent no. 3 has accordingly decided the said appeal preferred by the applicant.

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**C.P. 21/2019 IN**  
**O.A. ST. 1857/2017**

The said fact is not disputed by the learned Advocate for the applicant.

4. It is the contention of the learned Advocate for the applicant that there is mistake in naming the respondents in the C.P. If this is so, then the remedy is different.

5. The Contempt Petition does not survive. There is no substance in the C.P. It is therefore disposed of. There shall be no order as to costs.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 8.12.2021