

ORIGINAL APPLICATION NO. 707/2019
(Rama M. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : **8.3.2022**

ORAL ORDER :

Heard Smt. Megha Mali, learned Counsel holding for Shri S.K. Mathpati, learned Counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri G.N. Patil, learned Counsel for respondent no. 6.

2. The applicant has prayed for the following reliefs:-

“(B) The Government Resolution dated 24th August, 2017 may kindly be quashed and set aside to the extent of denial of benefits of one or two additional increments to the employees who has (have) been given benefits of sixth Pay Commission it means its applicability of retrospective in nature i.e. for period of 1.1.2006 to 1.10.2015 in view of the judgment and order dated 3.4.2019 passed by the Hon’ble High Court in W.P. No. 12699/2018 along with concerned matters.

(C) Respondent authority (respondent No. 5) may kindly be direct to give/release the benefits of two additional / advance increments to the applicant forthwith as per existing earlier policy of the

::-2-::

O.A. NO. 707/2019

Government / Resolutions issued by the respondent authorities.

OR

The respondent authority may kindly be direct(ed) to restoration / extension or continuation of benefits of two advance increments w.e.f. 1.3.2008 as per earlier order dated 2.8.2008 passed by the respondent No. 5.

(D) The respondent authority may kindly be direct(ed) to release / pay the difference amount / arrears along with all consequential service benefits since the date of the applicant is declared as he is entitled to benefits of two additional increments (w.e.f. 1.3.2008) vide common order dated 2.8.2008 passed by the respondent No. 5.”

3. We have gone through the documents filed on record and the order passed by the Hon'ble High Court. We have also perused the Government Decision dated 2.8.2008, Government Circular dated 3.7.2009 and the Government Resolution dated 24.8.2017. It has been mentioned in the Government Resolution dated 24.8.2017 that one / two advance increments had been granted to certain percentage of government employees in each cadre, based on their past performance, in order to encourage them to do excellent / outstanding work in their respective fields. This scheme was continued in accordance with 5th Pay Commission recommendations. From the averments

made in the application, it is evident that pay of the applicant was fixed vide order dated 02.08.2008 by taking into account the effect of advance increments granted to him w.e.f. 01.10.2007 i.e. before the state government had accepted the recommendations of 6th Pay Commission and issued the Maharashtra Civil Services (Revised Pay) Rules, 2009 for pay fixation in accordance with the same.

Therefore, it is presumed that the said advance increments were given to the applicant.

4. The applicant had two options under rule 5 of the Maharashtra Civil Services (Revised Pay) Rules, 2009. First option was to opt for revised pay scale as per recommendation of the 6th Pay Commission w.e.f. 1.1.2006 or secondly, to elect to continue to draw the pay in existing scale up to the date of earning next increment or any subsequent increment in existing scale. If the applicant has opted for fixation of pay scale under recommendation of the 6th Pay Commission with effect from 01.01.2006 then the same cannot be fixed along with advance increments earned by him on 01.10.2007. If the applicant had

been interested in getting his pay fixed under 6th pay commission pay-scale taking into account advance increments granted to him vide order dated 02.08.2008 w.e.f. 01.10.2007, then he should have opted for the fixation of pay as per recommendations of 6th pay commission w.e.f. 01.01.2009 or 01.01.2010, as the case may be.

5. It is also observed that what has been directed by the Hon'ble High Court in cited Writ Petition is not to recover the benefits of advance increments, if any, given in the meanwhile period.

6. Apparently, there is no reason for causing our indulgence in the present matter. Original Application being devoid of any merit deserves to be dismissed and it accordingly dismissed. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 215/2022
(Salim Mohd. Hanif Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 9.3.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 618/2018
(Shri Sharad D. Raut Vs. State of Maharashtra & Ors.)

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

DATE : **8.3.2022**

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Arguments of both the sides are complete. Issues which emerge from the arguments advanced by the two sides had been read over to the two sides. The matter is closed for orders.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 311/2021
(Shaikh Ifran Shaikh Zakir Vs. State of Maharashtra & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Counsel holding for Smt. Suchita A. Dhongde, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. The learned Presenting Officer has sought time to file affidavit in reply of the respondents. Time granted as a last chance.

3. S.O. to 30.3.2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : 8.3.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned Counsel for the applicant, S.O. to 19.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

**M.A. 428/2019 IN O.A. 707/2019
(Rama M. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Heard Smt. Megha Mali, learned Counsel holding for Shri S.K. Mathpati, learned Counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri G.N. Patil, leaned Counsel for respondent no. 6.

2. Misc. Application No. 428/2019 has been filed by the applicant for condonation of delay occurred in filing accompanying Original Application.

3. For the reasons stated in the Misc. Application, it is allowed and disposed of and the delay occurred in filing the accompanying Original Application stands condoned. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 98/2019
(Pandurang M. Chandanshiv Vs. State of Maharashtra & Ors.)

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

DATE : **8.3.2022**

ORAL ORDER :

Heard Shri V.B. Wagh, learned Counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri V.M. Chate, learned Counsel for respondent nos. 2 & 3.

2. When the present Original Application is taken up for consideration, Shri Chate, learned Counsel for the respondent nos. 2 & 3 has tendered across the bar copy of the pay bills submitted to the Treasury Office in respect of arrears to be paid to the applicant of 4th, 5th & 6th pay commission. The same is taken on record.

3. In view of the documents so placed on record by the learned Counsel for respondent nos. 2 & 3, the learned Counsel for the applicant seeks leave of the Tribunal to withdraw the present Original Application.

::-2-::

O.A. NO. 98/2019

4. In view of the submissions so made, following order is passed :-

ORDER

Original Application No. 98/2019 stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 218/2019
(Sharnappa V. Mannylikar Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

Shri M.D. Godhamgaonkar, learned Counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. S.O. to 22.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 633/2019
(Meena C. Shivagunde Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3 and Shri Kailash U. More, learned Counsel for respondent no. 4, are present

2. With the consent of both the sides, S.O. to 20.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 670/2019
(Kaushalya B. 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 : 8.3.2022

ORAL ORDER :

Shri A.S. Tilve, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 20.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 409/2020
(Kamini S. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

Shri Y.P. Patil, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 20.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 425/2020
(Sachin U. 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 : 8.3.2022

ORAL ORDER :

Shri H.A. Joshi, learned Counsel for the applicants, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Shri Sunil Jadhav, learned Counsel holding for Shri M.B. Bharaswadkar, learned Counsel for respondent nos. 5, 6 & 11, are present. None appears for rest of the respondents.

2. With the consent of both the sides, S.O. to 21.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 141/2021
(Shubham A. 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 : 8.3.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 21.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 192/2021
(Suresh B. Lande Vs. State of Maharashtra & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Shri S.B. Kakade, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 1.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 252/2021
(Arati A. Ghatkar Vs. State of Maharashtra & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Shri S.B. Kakade, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 1.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 284/2021
(Jitendra S. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

Shri K.G. Salunke, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 16.3.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 300/2021
(Aabasaheb B. Ghayal Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

Shri K.G. Salunke, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 16.3.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 745/2021
(Arvind D. Gaikwad & 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 : 8.3.2022

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 22.3.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A. 333/2020 IN O.A. 797/2016
(Gaurav A. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 17.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 76/2016
(Pramod 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 : 8.3.2022

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 9.3.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 142/2017
(Bajirao V. 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 : **8.3.2022**

ORAL ORDER :

Shri A.D. Sugdare, learned Counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent no. 1 and Smt. Sunita D. Shelke, learned Counsel for respondent nos. 2 to 4, are present.

2. With the consent of both the sides, S.O. to 18.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 423/2018
(Rameshwar S. Gopal Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

Shri S.S. Pidgewar, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 to 3, are present. Shri N.R. Suryawanshi, learned Counsel for respondent no. 4 (**absent**).

2. S.O. to 12.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 847/2018
(Ananda N. Kolewad Vs. State of Maharashtra & Ors.)

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

DATE : **8.3.2022**

ORAL ORDER :

Ms. Anagha Pandit, learned Counsel holding for Shri S.B. Talekar, learned Counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 to 3 and Shri M.R. Wagh, learned Counsel for respondent no. 4, are present.

2. With the consent of both the sides, S.O. to 12.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 903/2018
(Dr. Jalindar S. Ambhore Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

Shri Abhishek C. Deshpande, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 6.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 12/2019
(Dr. Deepak K. 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 : 8.3.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned Counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Ms. Anagha Pandit, learned Counsel holding for Shri S.B. Talekar, learned Counsel for respondent no. 4, are present.

2. With the consent of both the sides, S.O. to 13.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 8.3.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 13.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 398/2019
(Dr. Anilkumar B. Momale Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 13.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 410/2019
(Santosh R. Jagdale Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned Counsel holding for Shri Ajay S. Deshpande, learned Counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri M.R. Kulkarni, learned Counsel for respondent no. 2, are present.

2. With the consent of both the sides, S.O. to 8.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 715/2019
(Sushma E. 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 : 8.3.2022

ORAL ORDER :

Shri S.S. Jadhavar, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 8.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 848/2019
(Jitendra B. Bagal & 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 : 8.3.2022

ORAL ORDER :

Shri A.D. Sugdare, learned Counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 18.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1012/2019
(Satish N. Badade Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

Shri A.D. Sugdare, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 18.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 28/2020
(Anil P. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Shri K.G. Salunke, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 28.3.2022 for final hearing.

MEMBER (A)

MEMBER (J)

O.A. NOS. 982 AND 983 BOTH OF 2018
(Shakuntala S. Kapoor & Anr. Vs. State of Maharashtra &
Ors.)

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

DATE : 8.3.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicants in both the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the matters, are present.

2. With the consent of both the sides, S.O. to 22.3.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 407 OF 2019
(Sadhana U. Borse @ Sadhana S. Pachpol Vs. State of
Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

Heard Smt. Amruta Paranjape-Manezes, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 3. Shri Hemant P. Deshmukh, learned Advocate for the respondent No.4 is **absent**.

2. Record shows that affidavit-in-reply on behalf of respondent No.4 is already filed to which the applicant has filed rejoinder.

3. Subsequently amendment is carried out in O.A. as per order dated 26.08.2019 and the respondent No.5 is added. Moreover, there is change in the address of the respondent No.3.

4. In view of same, at the request of the learned Advocate for the applicant, issue fresh notices to the respondent Nos.3 and 5 returnable on 08.04.2022.

5. 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 08.04.2022.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 932 OF 2019
(Dr. Vijaykumar R. Sul Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

None present on behalf of the applicant.

Heard Smt. Sanjivani K. Deshmukh-Ghate,
learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 01.04.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

ORIGINAL APPLICATION NO. 1066 OF 2019
(Vasant A. Manorkar Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 & 2 and Shri Shamsundar B. Patil, learned Advocate for the respondent Nos.3 & 4.

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The Original Application is pertaining to A.C.P.S.

3. In view of the same, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 06.04.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 349 OF 2020
(Prakash S. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

Heard Ms. Tejal R. Mankar, learned Advocate holding for Ms. Preeti R. Wankhade, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, 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 28.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 437 OF 2020
(Arjun D. Kharat Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 to 4.
3. S.O. to 01.04.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 507 OF 2020
(Anil S. Burkul Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

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

2. Affidavit-in-reply filed on behalf of the respondent Nos.1,2 and 5 is taken on record.
3. Learned Advocate for the applicant has received the copy of the said reply.
4. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit-in-rejoinder.
5. S.O. to 06.04.2022 for admission.

MEMBER (J)

**ORIGINAL APPLICATION NO. 2 OF 2021
(Kiran S. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

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

2. Learned P.O. for the respondents submits that during the course of the day he would file affidavit-in-reply on behalf of the respondent Nos.1 & 2.
3. S.O. to 01.4.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 49 OF 2021
(Vandana P. Sarode Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri D.K. Dagadkhair, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent No.3. Learned Advocate for the applicant received its copy today.

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

4. S.O. to 05.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 129 OF 2021
(Dr. Sheshrao P. Lohgave Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, 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 06.04.2022.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

**ORIGINAL APPLICATION NO.132 OF 2021
(Bhanudas E. Tarte Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the original applicant has died.

3. At the request of the learned Advocate for the applicant, S.O. to 05.04.2022 for taking necessary steps.

MEMBER (J)

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

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

DATE : 08.03.2022

ORAL ORDER :

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

2. In view of absence of learned Advocate for the applicant, S.O. to 07.04.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 469 OF 2021
(Dhondiba M. Zade Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

Heard K.B. Jadhav, 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 he would file affidavit-in-rejoinder during the course of the day.

3. S.O. to 01.04.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 488 OF 2021
(Sayed Naimuddin Sayed Moinuddin Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

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

2. Affidavit-in-reply filed on behalf of the respondent Nos.1 to 4 is taken on record.
3. Learned Advocate for the applicant has received the copy of said reply.
4. At the request of the learned for the applicant, time is granted for filing affidavit-in-rejoinder, if any.
5. S.O. to 01.04.2022.

MEMBER (J)

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

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

DATE : 08.03.2022

ORAL ORDER :

Shri Balaji S. Shinde, learned Advocate for the applicant is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 07.04.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 513 OF 2021
(Manik G. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri D.R. Patil, 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 15.03.2022.

MEMBER (J)

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

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

DATE : 08.03.2022

ORAL ORDER :

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

2. Record shows that affidavit-in-reply is already filed on behalf of the respondent Nos.1 to 3.

3. Learned Advocate for the applicant submits that during the course of the day he would file service affidavit in respect of the respondent No.4.

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

5. S.O. to 07.04.2022.

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 : 08.03.2022

ORAL ORDER :

Heard Shri A.D. Kawre, 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 07.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 711 OF 2021
(Lalita Late B. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Shri Rahul M. Jade, learned Advocate for the applicant is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Affidavits-in-reply today filed on behalf of the respondent Nos.2 and 3 separately are taken on record.
3. Learned P.O. for the respondents deposited extra copy of said replies for the applicant.
4. 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.
5. S.O. to 08.04.2022.

MEMBER (J)

T.A.NO.1 OF 2022 (W.P.NO.316 OF 2022)
(Manisha E. Kadu Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that during the course of the day he would file service affidavit.

3. At the request of the learned P.O., time is granted for filing affidavit-in-reply.

4. S.O. to 17.03.2022.

MEMBER (J)

T.A.NO.2 OF 2022 (W.P.NO.1318 OF 2022)
(Arvind A. Borude & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants submits that during the course of the day he would file service affidavit.

3. At the request of the learned P.O., time is granted for filing affidavit-in-reply.

4. S.O. to 17.03.2022.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

ORIGINAL APPLICATION NO. 68 OF 2022
(Laxman S. Kolhe Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, 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 04.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 69 OF 2022
(Sudhakar G. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

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

2. Learned Advocate for the applicants submits that during the course of the day he would file service affidavit.
3. At the request of the learned P.O., time is granted for filing affidavit-in-reply.
4. S.O. to 04.04.2022.

MEMBER (J)

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

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

DATE : 08.03.2022

ORAL ORDER :

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

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

3. S.O. to 05.04.2022.

MEMBER (J)

**M.A.NO.427 OF 2021 IN O.A.ST.NO.1816 OF 2021
(Gajanan B. Dandge & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

Heard Smt. Vidya A. Taksal, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, 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 in M.A.

3. S.O. to 06.04.2022.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

**ORIGINAL APPLICATION NO. 76 OF 2020
(Shantabai G. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that in the facts and circumstances of the case, the applicant would make application for amendment in O.A.

3. S.O. to 29.03.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 114 OF 2020
(Dagdu G. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 12.04.2022

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.

//2//

O.A.No.114/20

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 12.04.2022.

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

MEMBER (J)

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

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri P.M. Gaikwad, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 12.04.2022

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.

//2//

O.A.No.145/19

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 12.04.2022.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 508 OF 2017
(Syed Azam Syed Lal Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Ms. A.N. Ansari, learned Advocate for the applicant is **absent**.

Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent Nos.1 to 3.

3. Record further shows that S.L.P filed before the Hon'ble Supreme Court against the order of the Hon'ble High Court arising out of decision in earlier O.A. was stated to be pending.

4. Learned P.O. for the respondents placed on record the status report by way of communication dated 07.03.2022 received from the respondent No.3 stating that the said SLP is still pending.

5. In view of above, S.O. to 06.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 331 OF 2019
(Laxman S. Bade Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

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

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent Nos.2 and 3.
3. At the request of the learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder.
4. S.O. to 01.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 1084 OF 2019
(Ravindra M. Garje Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Pankaj A. Bharat, learned Advocate holding for Shri Dhananjay Mane, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned P.O., one more last chance is granted for filing affidavit-in-reply.

3. S.O. to 06.04.2022.

MEMBER (J)

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

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

DATE : 08.03.2022

ORAL ORDER :

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

2. Record shows that the pleadings upto affidavit-in-rejoinder are complete.
3. The matter is pertaining to transfer. It is admitted and fixed for final hearing on 29.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 128 OF 2020
(Pandit V. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Manoj M. Kadtu, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent Nos.1 to 3.
3. At the request of the learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder, if any.
4. S.O. to 05.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 522 OF 2020
(Prakash D. Bharambe Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate holding for Shri J.B. Choudhary, 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 04.04.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 551 OF 2020
(Kiran S. Pathare Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri M.B. Kolpe, 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 14.03.2022 for hearing.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

ORIGINAL APPLICATION NO. 369 OF 2021
(Naushadbee Ibrahim Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Shri S.B. Coudhari, learned Advocate for the applicant is **absent**. Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. None present on behalf of the applicant. The matter is already fixed on 23.03.2022.

3. S.O. to 23.03.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

**M.A.NO.456 OF 2019 IN O.A.ST.NO.1749 OF 2019
(Sandip V. Ganage Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Govind B. Chate, learned Advocate holding for Shri S.R. Andhale, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent No.1 and Shri S.D. Dhongde, learned Advocate for the respondent Nos.2 to 4.

2. At the request of the learned Advocate for the applicant, S.O. to 22.03.2022.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

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

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

DATE : 08.03.2022

ORAL ORDER :

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

2. Copy of affidavit-in-reply already filed on behalf of the respondent Nos.1 to 3 is supplied to other side.
3. S.O. to 07.04.2022 for hearing.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

**M.A.NO.326 OF 2021 IN O.A.NO.581 OF 2021 WITH
CAVEAT NO.57 OF 2021**

(Dr. Alliya Kausar A. Khan Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant in the present M.A./respondent No.6 in O.A. and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos.2 to 5 in the present M.A./respondent Nos.1 to 4 in O.A. Shri J.M. Murkute, learned Advocate for the respondent No.1 in the present M.A./applicant in O.A. is **absent**. None present on behalf of the respondent No.6 in the present M.A./ respondent No.5 in O.A., though duly served.

2. In view of absence of Shri J.M. Murkute, learned Advocate for the respondent No.1 in the present M.A./applicant in O.A., S.O. to 01.04.2022.

MEMBER (J)

M.A.NO.13 OF 2022 IN O.A.N O.553 OF 2019
(Markand N. Gangaram & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

None present on behalf of the applicants.

Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicants, S.O. to 08.04.2022 for passing necessary order.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

ORIGINAL APPLICATION NO. 89 OF 2018
(Sayeda Khalida Md Naeem Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1 & 2. Shri S.R. Pande, learned Advocate for the respondent No.3 is **absent**.

2. By consent of learned Advocate for the applicant and learned P.O., S.O. to 08.04.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 932 OF 2017
(Walmik L.Kande Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash S. Deshmukh, 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 11.04.2022.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

ORIGINAL APPLICATION NO. 174 OF 2017
(Dr. Madhav F. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash S. Deshmukh, 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 08.04.2022.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

ORIGINAL APPLICATION NO. 1073 OF 2019
(Abdul Jabbar Abdul Rahim Shaikh & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicants, S.O. to 11.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 1106 OF 2019
(Sanjay R. Koli Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Sunil B. Jadhav, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The present matter be treated as part heard.
3. At the request of the learned Advocate for the applicant, S.O. to 17.03.2022.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

ORIGINAL APPLICATION NO. 210 OF 2020
(Suresh B. Hallikar Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri D.N. Khillare, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 28.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 515 OF 2020
(Aniket D. Rakh Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri B.R. Kedar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 05.04.2022.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

ORIGINAL APPLICATION NO. 617 OF 2021
(Kiran P. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 3 and Smt. Dharti Gupta, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the respondent No.4.

2. By consent of all the parties, S.O. to 30.03.2022.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

ORIGINAL APPLICATION NO. 647 OF 2021
(Vinod V. Gudamwar Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 3 and Shri K.B. Bhise, learned Advocate for the respondent No.4.

2. By consent of all the parties, S.O. to 15.03.2022.

MEMBER (J)

SAS ORAL ORDERS 08.03.2022

ORIGINAL APPLICATION NO. 87 OF 2019
(Yogiraj V. Mane Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Heard Shri Suresh Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent No.1 and Shri N.U. Yadav, learned Advocate for the respondent Nos.2 & 3.

2. At the request of the learned Advocate for the applicant, S.O. to 15.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 832 OF 2018
(Shaikh Nasir Sk. Miya Vs. State of Maharashtra & Ors.)

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

DATE : 08.03.2022

ORAL ORDER :

Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents is present.

2. Learned Advocate Shri V.B. Wagh submits that during the course of the day he would file VAKALATNAMA on behalf of the applicant as no objection from previous Advocate Shri V.G. Pingle is obtained and he seeks adjournment. On his request, S.O. to 15.03.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 697 OF 2019
(Shobha B. Khade Vs. State of Maharashtra & Ors.)**

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

DATE : 08.03.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 05.04.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 08.03.2022

DATE : 08.03.2022

ORIGINAL APPLICATION NO. 232 OF 2022

(Sudhakar Y. Dandge Vs. The State of Maharashtra & Ors.)

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

1. Shri R.O. Awasarmol, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 12.04.2022. The case be listed for admission hearing on **12.04.2022**.
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 : 08.03.2022

ORIGINAL APPLICATION NO. 233 OF 2022

(Sudhakar Y. Dandge Vs. The State of Maharashtra & Ors.)

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

1. Shri R.O. Awasarmol, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 12.04.2022. The case be listed for admission hearing on **12.04.2022**.

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

**ORIGINAL APPLICATION NO. 226 OF 2022
(Bhaskar V. Waghmare Vs. State of Maha. & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents

2. It is submitted that the applicant though was never working in the Water Conservation Department, in the seniority list published, in the remark column he has been shown working in the said department. Learned counsel submits that the applicant has made a representation to the concerned authorities for correcting the remark in the said remark column while publishing the seniority list. He submits that the applicant has never exercised the option of opting the Water Conservation Department.

3. In view of the aforesaid submission made on behalf of the applicant, issue notice to the respondents, returnable on 18.4.2022.

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

5. 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.

6. 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.

7. 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.

8. In the meanwhile the authorities shall endeavor for deciding the representation submitted by the applicant.

9. S.O. to 18.4.2022.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 169 OF 2022
(Nisar Kha Abdullatif Kha Pathan Vs. State of
Maharashtra & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Heard Shri S.N. Suryawanshi, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents

2. Learned counsel for the applicant seeks leave of this Tribunal to place on record the documents, which are referred in the pleadings.
3. Permission granted.
4. One week's time is sought for advancing the arguments. Time granted.
5. S.O. to 15.3.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 434 OF 2022
(Dipak K. Pathare Vs. State of Maha. & Ors.)**

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

DATE : **8.3.2022**

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents

2. When the present matter is taken up for consideration and the learned counsel for the applicant was asked to make submissions as about the objection raised by the Registry of this Tribunal in regard to the territorial jurisdiction of Aurangabad Bench of the Tribunal, learned counsel made all sincere efforts to convince that this Bench will have jurisdiction. However, ultimately when it is noticed that this Bench may not have jurisdiction, he sought permission to withdraw the present O.A. with liberty to file it before the Principal Seat of this Tribunal at Mumbai.

3. Permission granted. The O.A. is permitted to be withdrawn with liberty to file it at Principal Seat of this Tribunal at Mumbai. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 499 OF 2021
(Dr. Vinayak R. 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 : 8.3.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 3. Smt. Vaishali Chaudhary, learned counsel for respondent No. 4 (**absent**).

2. Learned counsel appearing for the applicant submits that the present O.A. is filed praying for the relief of extension of the retirement age up to 60 years, on the basis of the Government Resolution, which was at the relevant time holding the field. He pointed out that the said Government Resolution has now been set aside by the Hon'ble High Court and in view of that the present matter has become infructuous.

3. In view of the above, the following order is passed: -

ORDER

The O.A. stands dismissed without any order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 486 OF 2017
(Vijeta M. Ade Vs. State of Maharashtra & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Shri M.D. Godhamgaonkar, learned counsel for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, is present.

2. Affidavit in rejoinder is not filed.
3. S.O. to 22.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

**ORIGINAL APPLICATION NO. 759 OF 2019
(Dr. Gopikrishna P. 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 : 8.3.2022

ORAL ORDER :

Shri J.S. Deshmukh, 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 22.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

**ORIGINAL APPLICATION NO. 328 OF 2020
(Shaikh Shamshodin Hamidoddin Vs. State of
Maharashtra & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Shri P.S. Anerao, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3, Shri B.G. Deshmukh, learned counsel for respondent No. 4 and Shri V.C. Suradkar, learned counsel for respondent No. 5, are present.

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

3. S.O. to 22.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

**ORIGINAL APPLICATION NO. 373 OF 2020
(Rohan 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 : 8.3.2022

ORAL ORDER :

Shri V.B. Wagh, 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 for filing affidavit in reply. Time granted.

3. S.O. to 25.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

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

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

DATE : 8.3.2022

ORAL ORDER :

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

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.
3. S.O. to 25.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

**ORIGINAL APPLICATION NO. 663 OF 2021
(Kiran K. Komwad Vs. State of Maharashtra & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Mrs. Priya R. Bharaswadkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 26.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

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

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

DATE : 8.3.2022

ORAL ORDER :

Shri Avinash S. Khedkar, learned counsel for the applicant and Shri D.R. Patil, 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 6.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

**ORIGINAL APPLICATION NO. 713 OF 2021
(Yogesh C. Gupta & 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 : 8.3.2022

ORAL ORDER :

Shri Santosh S. Dambe, 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 for filing affidavit in reply. Time granted.
3. S.O. to 26.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

**ORIGINAL APPLICATION NO. 106 OF 2022
(Munni P. Mahmood Shaikh Vs. State of Maharashtra &
Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Shri V.B. Dhage, learned counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

Shri S.B. Mene, learned counsel appeared today and he has filed **VAKALATNAMA** on behalf of respondent No. 3 and the same is taken on record.

2. Learned Presenting Officer, as well as, learned counsel for respondent No. 3 have sought time for filing affidavit in reply. Time granted.

3. S.O. to 27.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 143 OF 2022
(Dr. Amol K. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 27.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

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

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

DATE : 8.3.2022

ORAL ORDER :

Shri Anant Devkate, learned counsel for the applicant and Smt. M.S. Patni, 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 8.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

**M.A.NO. 301/2021 IN O.A.ST.NO. 1279/2021
(Dr. Eknath D. Male Vs. State of Maharashtra & Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri M.P. Gude, 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 8.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

**M.A.NO. 42/2022 IN O.A.ST.NO. 1695/2021
(Dr. Shivaji G. 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 : 8.3.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, 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 8.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 8.3.2022-HDD

**REV.ST.NO. 211/2022 IN O.A.NO. 490/2021
(Ninad Ashokaroa Lande Vs. State of Maharashtra &
Ors.)**

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

DATE : 8.3.2022

ORAL ORDER :

Shri H.H. Padalkar, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Avinash S. Khedkar, learned counsel for respondent Nos. 4 & 5 in Rev. application / applicants in O.A., are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and copy thereof has been served on the other side.

3. If the applicant so desires to file rejoinder affidavit, he may file the same on or before the next date.

4. S.O. to 15.3.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 279/1998
(Shri Suresh Bhagwat Sathe Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 280/1998
(Shri Avij Dagu Wagh Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 281/1998
(Shri Sakharam Ramji Gadekar Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 282/1998
(Shri Narayan Kisan Chavan Vs. State of Maharashtra & Ors.)

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

DATE : **8.3.2022**

ORAL ORDER :

Heard Shri P.B. Shirsath, learned Counsel for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters.

2. Since in all these matters the issues raised and the prayers made are identical, we have heard the common arguments in all these applications and we deem it appropriate to decide all these applications by a common reasoning.

::-2-::

O.A. NO. 279/1998 & ORS.

3. All these applicants had made the reference under the provisions of Industrial Disputes Act, 1947 more particularly U/s 19 r/w section 12(5) thereof, the particulars of which are as under :-

Sr. No.	O.A. No.	Name of Applicant	Reference I.D.A. No.
1.	279/1998	Shri Suresh Bhagwat Sathe	5/1990
2.	280/1998	Shri Avij Dagu Wagh	6/1990
3.	281/1998	Shri Sakharam Ramji Gadekar	59/1989
4.	282/1998	Shri Narayan Kisan Chavan	8/1990

4. All the aforesaid I.D.A. References were decided by the learned IInd Labour Court at Ahmednagar. In I.D.A. Reference Nos. 5/1990 and 8/1990 the learned Labour Court directed the State Authorities to reinstate the respective applicants with full back wages and continuity in service, whereas in I.D.A. Reference Nos. 6/1990 and 59/1989, though direction was given to reinstate said employees, neither the back wages nor continuity of service was granted. It is the further matter of record that against the orders passed in the aforesaid I.D.A. Reference Applications the State had approached the Hon'ble High Court by filing Writ Petitions and all the said Writ Petitions have been

allowed and the orders passed by the learned IInd Labour Court, Ahmednagar in the aforesaid I.D.A. Reference Applications have been set aside. However, in all these Writ Petitions the Hon'ble High Court has permitted the employees to make the appropriate representations. We deem it appropriate to reproduce herein below para 7 in Writ Petition No. 3275/1995, which reads thus :-

“7. In the result, the writ petition is allowed and the impugned judgment and Award is quashed and set aside. It is, however, made clear that Respondent No. 1 may be considered for absorption under the scheme drawn as per Government Resolution dated 1st December, 1995, if he is found eligible. He is granted liberty to make appropriate representation and if is found eligible, particularly due to absorption of the juniors to him, his case may be expeditiously considered by the competent authority. The Respondent No. 1, if is found eligible, may be accommodated under the scheme drawn by the Government as per his seniority. Such appointment may be from the date of initial appointment. Pending civil application, if any, stands disposed of.”

5. In the present applications the applicants have prayed for directions to the respondent authorities to include their names in the seniority list published of

the Muster Assistants. In 2 matters the directions are also sought for paying the arrears of wages.

6. It is not in dispute that when the present O.As. were filed, the Writ Petitions filed by the State against the orders passed in the respective I.D.A. References were pending before the Hon'ble High Court. Now it has come on record that the orders passed in I.D.A. References have been set aside by the Hon'ble High Court. However, while disposing of the said Writ Petitions, the Hon'ble High Court has granted liberty to the respondents therein i.e. the present original applicants to make appropriate representations to the appropriate authority. We have mentioned hereinabove the observations made in Writ Petition No. 3275/1995. In view of the fact that the orders passed in I.D.A. References have been set aside, no relief as has been prayed by the applicants in the present O.As. can be granted in their favour. It appears to us that the appropriate course for all these applicants will be to make detail representation to the appropriate State Authority with all relevant particulars so that the State Authority may in a position to decide whether the benefits of the scheme framed vide GR

dated 1.12.1995, which has been also approved by the Hon'ble Apex Court, can be extended in favour of these applicants.

7. During the course of the arguments, the learned Counsel for the applicants has brought to our notice the order dated 22.3.2019 in favour of one Shri Bhaskar Karbhari Narale, Muster Assistant. Vide the said order said Shri Bhaskar Karbhari Narale has been absorbed in the office of the Executive Engineer, Nashik Irrigation Division, Nashik on the post of Peon. The learned Counsel submitted that the present applicants are similarly situated. If this would be so, the present applicants shall file copy of the said order along with their representation. From the tenor of the said order it is revealed that the Executive Engineer, Nashik Irrigation Division, Nashik has passed the said order in favour of Shri Bhaskar Narale presuming that he was in employment on 31.5.1993.

8. In the present matters back wages are deposited by the State in O.A. Nos. 279/1998 and 282/1998. The amount so deposited deserves to be refunded to the State since the order passed by the learned Labour Court at Ahmednagar in respective I.D.A. Reference

::-6-::

O.A. NO. 279/1998 & ORS.

Applications has been set aside by the Hon'ble High Court.

9. For the reasons stated above, the following order is passed :-

ORDER

(i) It would be open for the applicants to make a detail representation with all relevant particulars therein to the appropriate State Authority for their absorption in view of the scheme framed vide G.R. dated 1.12.1995.

(ii) If such a representation is filed by the applicants within 3 months from the date of this order, the respondents shall decide the said representation in light of the scheme framed vide G.R. dated 1.12.1995 in accordance with law and on its own merit, within next 3 months.

(iii) The amount of back wages in O.A. Nos. 279/1998 & 282/1998 be refunded to the State with interest, if any, accrued thereon.

::-7-::

O.A. NO. 279/1998 & ORS.

(iv) With the observations as above, present Original Applications stand disposed of without any order as to costs.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 8.3.2022