

ORIGINAL APPLICATION NO. 158/2020
(Jilani Kasim Mujavar Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2023

ORAL ORDER :

Shri B.R. Jaybhay, learned counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. In the present matter no one has caused appearance on the previous date i.e. on 25.11.2022. The applicant has expired during pendency of the present Original Application and the learned counsel had taken time to inform whether the legal representatives of the deceased are intending to prosecute this matter further. However, today also no one has caused appearance in the matter. It appears that the legal representatives are not interested in prosecuting the matter further. In the circumstances, following order is passed :-

ORDER

The Original Application stands abated on account of death of the applicant during pendency of the present Original Application.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 41/2021
(Shri Bharat B. Sangle Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2023

ORAL ORDER :

Shri S.R. Kedar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Due to paucity of time the present matter could not be heard.

3. List the matter for further consideration on 17.3.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 8.3.2023

**M.A. NO. 312/2022 IN O.A.ST. NO. 1121/2022
(Dr. Balasaheb M. Kalegore & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 8.3.2023

ORAL ORDER :

Shri P.R. Tandale, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel for the applicants on instructions submits that identical matters are filed before other Benches of the Tribunal also and therefore the present application is to be moved before the Hon'ble Chairperson for clubbing with said matters. The learned counsel, therefore, sought tie in the present matter. Granted.

3. S.O. to 20.3.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 8.3.2023

ORIGINAL APPLICATION NO. 143/2023
(Dwarkadas G. Chikhalikar Vs. State of Maharashtra & Ors.)

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

DATE : 8.3.2023

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.3.2023 for filing rejoinder affidavit by the applicant. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDER 8.3.2023

**M.A.NO.92/2023 WITH M.A.NO.567/2022 IN
O.A.NO.1100/2022**

(Dr. Namita Korwate Vs. State of Maharashtra & Ors.)

**M.A.NO.91/2023 WITH M.A.NO.568/2022 IN
O.A.NO.1099/2022**

(Dr. Sapna Tallarwar Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Counsel for the applicants and Smt. Deepali Deshpande & Shri M.P.Gude, learned Presenting Officers for the respondent authorities.

2. For the reasons stated in the applications, which are just and sufficient, amendment deserves to be allowed. Even if the amendment is allowed, nature of applications is not like to change. Hence, the following order:

ORDER

[i] M.A.No.92/2023 & M.A.No.91/2023 are allowed.

[ii] Amendment be carried out within a week.

[iii] It would be open for the respondents to file additional reply to the amended portion, if they so desire.

VICE CHAIRMAN

M.A.NO.567/2022 IN O.A.NO.1100/2022
(Dr. Namita Korwate Vs. State of Maharashtra & Ors.)

M.A.NO.568/2022 IN O.A.NO.1099/2022
(Dr. Sapna Tallarwar Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Counsel for the applicants and Smt. Deepali Deshpande & Shri M.P.Gude, learned Presenting Officers for the respondent authorities.

2. Since the issues raised and prayers made in the M.As. are identical, arguments are heard together and the following common order is passed:

3. Applicants have filed O.As. for regularization of their services. Both the applicants have been working as Ad-hoc Medical Officers in Government Hospital. Both the applicants have been working as Medical Officers at Government Medical College and Hospital at Nagpur. One applicant was appointed on ad-hoc basis sometimes in 2014 and another in 2015. Since then, periodically their appointments used to be renewed every time for the period of 120 days. After having put in ad-hoc services for the period of more than 7 years, the applicants have now

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M.A.NO.567/2022 IN O.A.NO.1100/2022 & Anr.

come out with prayers for their absorption/regularization in the Government services. Present M.As. are filed seeking interim relief thereby restraining the respondents from appointing another ad-hoc employees in place of the present applicants. Learned Counsel pointed out that the respondents have issued the advertisement for appointing ad-hoc Medical Officers for the period of 120 days and interviews are scheduled on 09-03-2023 i.e. on tomorrow. Learned Counsel in the circumstances has prayed for interim relief thereby directing the respondents to issue orders of appointment as used to be issued in their favour in the past for the period of 120 days or till the regularly selected candidates are appointed by the respondents.

4. Request is opposed by the learned Presenting Officers. Learned P.Os. have submitted that the posts which were occupied by the present applicants have already been filled in by giving appointments to another Medical Officers and the said fact is averred in the affidavit in reply filed by the respondents on oath. Learned P.Os. submit that in such

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M.A.NO.567/2022 IN O.A.NO.1100/2022 & Anr.

circumstances the prayer of interim relief has become redundant and cannot be granted. They have, therefore, prayed for rejecting the prayer for interim relief.

5. Learned Counsel for the applicants has placed on record copies of the applications submitted by the respective applicants for appointment for further period. Copies of applications submitted by both the applicants are taken on record. There appears no dispute about the fact that one applicant is working as a Medical Officer since the year 2014 and another applicant is working since the year 2015 as Ad-hoc Medical Officers on the strength of the ad-hoc appointments granted from time to time in their favour for the period of 120 days each. Applicants have filed the present O.As. for regularization of their services. It is the contention by these applicants that respondents could not have kept both these applicants on ad-hoc basis after both of them having served for more than 7 years continuously with the Government. Learned Counsel for the applicants pointed out that the respondents are intending to get appointed 7 Medical Officers on ad-hoc basis.

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M.A.NO.567/2022 IN O.A.NO.1100/2022 & Anr.

6. Learned Counsel relied on the judgment of the Hon'ble Apex Court passed in **Civil Appeal Nos.3084-3088 of 2022 (Arising out of Special Leave Petition (Civil) No.12946-12950 of 2017)** in the case of **Manish Gupta & Anr. V/s. President, Jan Bhagidari Samiti & Ors.** decided on 21-04-2022. In the said judgment, Hon'ble Apex Court has ruled that, one ad-hoc employee cannot be replaced by another ad-hoc employee.

7. Learned Counsel for the applicants submitted that the respondents have issued advertisement and have called the applications from the willing eligible candidates for the post of Medical Officer to be filled in on ad-hoc basis. In the circumstances, learned Counsel has prayed for grant of interim relief directing the respondents to continue the applicant on ad-hoc basis till the regular appointments are made.

8. Request is opposed by the learned P.Os. Learned P.Os. pointed out that in the affidavit in reply the respondents have specifically averred that on the posts which were held by the applicants,

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M.A.NO.567/2022 IN O.A.NO.1100/2022 & Anr.

appointments are already made. Learned P.O. in the circumstances has prayed for rejecting the request for interim relief.

9. I have duly considered the submissions advanced by the learned Counsel appearing for the applicants and the learned P.Os. Learned P.Os. have not denied the fact that the advertisement has been issued for filling in 7 posts of Medical Officers that too on ad-hoc basis. In the circumstances, though the appointments might have been made on the posts on which the applicants have been working there cannot be any impediment in giving the directions by way of interim relief as are prayed for by the applicants. It is also not in dispute that both the applicants are continuously discharging their duties, may be on ad-hoc basis of orders of 120 days issued from time to time. The applicants have thus tendered the services for the period of about 7 years.

10. It is the case of the applicant in M.A.NO.567/2022 in O.A.NO.1100/2022 that she could not complete the period of service on the basis of last appointment order issued in her favour for the

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M.A.NO.567/2022 IN O.A.NO.1100/2022 & Anr.

reason that before completion of said period, she delivered a pre-matured baby and in the circumstances could not complete the said period. However, she has immediately applied for renewal of her appointment or for issuance of fresh appointment for further period but the said request was not considered. Applicant in M.A.NO.568/2022 in O.A.NO.1099/2022 after having completed the period of service on the basis of last order issued in her favour had requested for similar order for further period, however, her request came to be rejected.

11. As noted hereinabove, the respondents are intending to appoint 7 Medical Officers on ad-hoc basis. Interviews for such appointments are scheduled on 09-03-2023 i.e. on tomorrow. In view of the law laid down in the judgment relied upon by the learned Counsel for the applicants, one ad-hoc employee cannot be substituted by another ad-hoc employee. Had it been a fact that regular appointments are likely to be made then perhaps the situation would have been different. However, when the respondents are filling the 7 posts of Medical Officers on ad-hoc basis, that too by giving them orders of 120 days each, there is no reason for not giving appointments to the present applicants who have already

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M.A.NO.567/2022 IN O.A.NO.1100/2022 & Anr.

worked on the said post for more than 7 years. In the circumstances, both the applicants have made out a prima facie case for grant of interim relief in their favour. Hence, the following order:

ORDER

[i] M.A.NO.567/2022 & M.A.NO.568/2022 are allowed.

[ii] Having regard to the fact that both these applicants have already worked on ad-hoc basis with the respondents for a period of 7 years, respondents shall issue appointment order in their favour, continuing them on the same post for the period of 120 days as has been intended in the advertisement issued or till the period regularly selected candidates are appointed, whichever is earlier.

[iii] Interim relief is granted in the aforesaid terms.

[iv] List the matter for final hearing on 27-04-2023.

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M.A.NO.567/2022 IN O.A.NO.1100/2022 & Anr.

[v] Learned P.O. to inform the respondents about the present order since interviews are scheduled on tomorrow i.e. on 09-03-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**M.A.NO.519/2022 IN O.A.ST.NO.1917/2022
(Shrimant Ovhal Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri Ganesh Jadhav, learned Counsel holding for Shri Avishkar Shelke, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Though ample opportunities are already granted, affidavit in reply is not filed.
3. Hence, S.O. to 05-04-2023 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**M.A.NO.520/2022 IN O.A.ST.NO.1919/2022
(Khwaja Ashfak Ahmed Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri Ganesh Jadhav, learned Counsel holding for Shri Avishkar Shelke, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Though ample opportunities are already granted, affidavit in reply is not filed.
3. Hence, S.O. to 05-04-2023 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.119/2023
(Dr. Arvind Bagate Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri Dhananjay Mane, learned Counsel holding for Shri Milind Patil, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has again sought time for filing affidavit in reply. In this matter, interim relief is operating. Matter pertains to transfer. Respondents are expected to file reply quickly, however, same is not filed. In the interest of justice time is granted by way of last chance to file reply.

3. S.O. to 23-03-2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.1094/22 & 1095/22
(Madhav Wangaje & Tukaram Pohare
Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Heard Shri D.K.Dagdkhair, learned Counsel for the applicants, Shri M.P.Gude, learned Presenting Officer and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities in respective cases.

2. At the request of learned Counsel for the applicant, re-issue notice to the respondents, returnable on 17.04.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 17.04.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.764/2021
(Rajendra Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Smt. R.L.Jakhade, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. to 12-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

ORIGINAL APPLICATION NO.532/2007
(Amir Khan Ibrahim Khan Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Shri Asif Ali, learned Counsel holding for Smt. A.N.Ansari, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. to 28-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

ORIGINAL APPLICATION NO.792/2022
(Madhukar Pradhan Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Shri O.D.Mane, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. to 19-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.806/2022
(Pathan Ahmed Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri Santosh Pawde, learned Counsel holding for Shri Mahesh K. Bhosale, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned PO has sought time to file affidavit in reply. Time is granted by way of last chance till 20-04-2023.

3. S.O. to 20-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

ORIGINAL APPLICATION NO.829/2022
(Musaddiq Ahmed Madni Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Shri Prafull Bodade, learned Counsel holding for Shri J.B.Choudhary, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. to 25-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.1160/2022
(Navnath Patwadkar Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri G.M.Ghongade, learned Counsel holding for Shri Mohit Deshmukh, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned PO has sought time to file affidavit in reply. Time is granted by way of last chance till 10-04-2023.

3. S.O. to 10-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.366/2022
(Rahul Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. to 11-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.98/2020 WITH CAVEAT
NO.78/2019
(Bhavana Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri Saket Joshi, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities and Shri Manish Bhambare, learned Counsel for respondent no.2 (Caveator), are present.

2. Learned Counsel for respondent no.2 has tendered sur-rejoinder. Same is taken on record.

Copy is given to the other side.

3. S.O. to 13-04-2023.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.571/2020
(Madhukar Mapari Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri Saket Joshi, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Matter be listed for hearing 28-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.585/2020
(A. B. Datar Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri Saket Joshi, learned Counsel holding for Smt. Vidya Taksal, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant seeks leave to file rejoinder. Leave granted. Rejoinder is taken on record. Copy is given to the other side.
3. List the matter for further consideration on 17-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

ORIGINAL APPLICATION NO.120/2023
(Anilkumar Dabshede Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities and Shri S.S.Dambe, learned Counsel for respondent no.2, are present.

2. Learned P.O. has tendered affidavit in reply on behalf of respondent no.1. It is taken on record. Copy is given to the learned Counsel for the applicant.

3. S.O. to 16-03-2023 for further consideration.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.470/2022
(Prasad Mule Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri V.G.Pingle, learned Counsel for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities and Shri S.B.Mene, learned Counsel for respondent no.3, are present.

2. On request of learned PO last chance is granted for filing affidavit in reply, else the matter will be listed for hearing.

3. S.O. to 26-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

ORIGINAL APPLICATION NO.971/2022
(Avinash Solunke Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Shri Prafull Bodade, learned Counsel holding for Shri J.B.Choudhary, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has tendered affidavit in reply on behalf of respondent nos.1 and 3. It is taken on record. Copy is given to the other side.

3. Learned P.O. has sought for filing affidavit in reply on behalf of respondent no.2. Time is granted till 03-04-2023.

4. S.O. to 03-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

ORIGINAL APPLICATION NO.934/2022
(Rahimatbi Babulal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Shri K.G.Salunke, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. List the matter for hearing on 10-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.229/2021
(Balbirsingh Tyagi Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri K.G.Salunke, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. to 16-03-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.1112/2022 WITH
CAVEAT NO.40/2022
(Mohammad Raza Khan Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri Saket Joshi, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri M.B.Bharaswadkar, learned Counsel for respondent no.3, are present.

2. At the request of learned CPO, S.O. to 13-03-2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.845/2022
(Mayur Kakade Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri S.D.Joshi, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has filed affidavit in reply on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof has been given to the other side.

3. List the matter for hearing on 10-04-2023. In the meanwhile, applicant may file rejoinder, if he so desires.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**M.A.NO.83/2022 IN O.A.ST.NO.1621/2021
(Sopan Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri S.G.Kulkarni, learned Counsel for the applicant is **absent**. Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities is present.

2. In view of absence of learned Counsel for the applicant, S.O. to 10-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**M.A.NO.90/2023 IN O.A.ST.NO.289/2023
(Madhav More Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Heard Shri V.B.Wagh, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.

2. This is an application seeking condonation of delay which has occasioned in filing the annexed O.A. by the applicant. In the O.A. the applicant is praying for application of benefits of 7th Pay Commission for commutation of pension etc. Learned Counsel submits that the decision in that regard has been taken by G.R. dated 12-07-2021. As such, according to the applicant delay occasioned is of the period less than one year. Learned Counsel in the circumstances has prayed for condoning the said delay giving an opportunity to the applicant to prosecute his matter on merit.

3. Learned P.O. has opposed the application. It is submitted that the delay is much more than claimed. Learned P.O. submits that as is revealing

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M.A.NO.90/2023 IN O.A.ST.NO.289/2023

from the pleadings the applicant has retired way back on 31-12-2015. As such, the delay has to be reckoned from the said date. It is further contended that even if the delay of 11 months, as contended by the applicant, is taken into consideration, no sufficient case is made out for delay condonation. Learned P.O. has, therefore, prayed for rejecting the M.A.

4. I have duly considered the submissions made on behalf of the applicant as well as the State authorities. Applicant has prayed for grant of benefit of G.R. dated 12-07-2021 for commutation of pension in accordance with the recommendations of 7th Pay Commission. The cause of action can be said to be available after 12-07-2021 i.e. after the G.R. was issued. Delay cannot be reckoned from the date of his retirement and it has to be reckoned from the date of the said G.R. and the matter has to be heard on merit. Hence, I am inclined to allow the present M.A. with following order:

ORDER

[i] M.A. is allowed.

[ii] Delay caused in filing the O.A. is condoned.

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M.A.NO.90/2023 IN O.A.ST.NO.289/2023

[iii] O.A. be registered and numbered in accordance with law after removal of office objections, if any.

[iv] No order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

O.A.ST.NO.289/2023
(Madhav More Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Heard Shri V.B.Wagh, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 18.04.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.04.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

**M.A.NO.95/2023 IN O.A.ST.NO.192/2023
(Sunita Jarhad Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Issue notice to the respondents in M.A., returnable on 11.04.2023.

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

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

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

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

7. S.O. to 11.04.2023.

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

VICE CHAIRMAN

M.A.NO.106/2023 IN O.A.NO.23/2022
(State of Maharashtra & Ors. V/s Samadhan Rathod)

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

DATE : 08-03-2023

ORAL ORDER :

Shri M.P.Gude, learned Presenting Officer for the applicants (original respondents) and Shri Kakasaheb B. Jadhav, learned Counsel for the respondent (original applicant), are present.

2. Present application is filed seeking two months extension for compliance of the order passed by this Tribunal in O.A.No.23/2022 on 09-12-2022. Learned Counsel for the applicant does not have any objection for granting such extension. Hence, the following order:

ORDER

[i] Time is extended by two months from the date of this order for compliance of the order passed by this Tribunal in O.A.No.23/2022 on 09-12-2022.

[ii] M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

**M.A.ST.NO.19/2023 IN M.A.NO.107/2023 IN
O.A.ST.NO.3130/2022
(Govind Marewad & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Heard Dr. Kalpalata Patil-Bharaswadkar, learned Counsel for the applicants and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities.

2. M.A.St.No.19/2023 is preferred by the applicants seeking leave to sue jointly.

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

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

VICE CHAIRMAN

M.A.NO.107/2023 IN O.A.ST.NO.3130/2022
(Govind Marewad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Heard Dr. Kalpalata Patil-Bharaswadkar, learned Counsel for the applicants and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities.

2. By filing the present application, applicants have prayed for condonation of delay which has occasioned in filing the annexed O.A. by them. Learned Counsel for the applicants submitted that in so far as the applicant no.1 is concerned, in fact, there is no delay. Learned Counsel further submitted that the issue of increment payable on 1st of July to the employees who retired on 30th June of a year was finally decided by the Hon'ble Apex Court on 08-08-2019. Learned Counsel submitted that the applicants were bona fide believing that because of the judgment of the Hon'ble Apex Court, the respondents will *suo motu* consider their request but it did not happen. Learned Counsel submitted that thereafter Covid pandemic started and for all

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M.A.NO.107/2023 IN O.A.ST.NO.3130/2022

above reasons, the applicants could not file O.A. within the stipulated period of limitation.

3. After having considered the reasons as are assigned by the applicants stated hereinabove and having regard to the fact that there seems no deliberate attempt on part of the applicants in approaching the Tribunal belatedly, I am inclined to allow the present M.A. Hence, the following order:

ORDER

[i] M.A.No.107/2023 is allowed.

[ii] Delay caused for filing the annexed O.A. is condoned.

[iii] O.A. be registered and numbered in accordance with rules after removal of office objections, if any

[iv] No order as to costs.

VICE CHAIRMAN

O.A.ST.NO.3130/2022
(Govind Marewad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Heard Dr. Kalpalata Patil-Bharaswadkar, learned Counsel for the applicants and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 11.04.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 11.04.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

M.A.NO.108/2023 IN O.A.NO.566/2020
(State of Maharashtra & Ors. V/s Nathu Khadtare & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

Shri N.U.Yadav, learned Presenting Officer for the applicants (original respondents) and Shri Kakasaheb B. Jadhav, learned Counsel for the respondents (original applicants), are present.

2. By filing the present application State has prayed for extension of time, not for compliance of the order passed by this Tribunal but for filing Writ Petition before the Hon'ble High Court against the order passed by this Tribunal in O.A.No.566/2020. When the order was pronounced by this Tribunal, such request if had been made, same could have been considered and sufficient time could have been granted for compliance of the order, so that in the meanwhile, State can approach the Hon'ble High Court. However, no such request was made at that time.

3. The time cannot be extended by this Tribunal for the purpose for which it has been sought in the M.A. In the circumstances, application deserves to be summarily rejected. It is accordingly rejected. No order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.163/2023
(Shantaram Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

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

2. At the request of learned Counsel for the applicant, S.O. tomorrow i.e. on 09-03-2023.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

**ORIGINAL APPLICATION NO.168/2023
(Ishwar Dahiphale Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to the respondents, returnable on 18.04.2023.

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

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

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

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

7. S.O. to 18.04.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION ST. NO.315/2023
(Rajendra Mane Vs. State of Maharashtra & Ors.)**

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

DATE : 08-03-2023

ORAL ORDER :

Heard Shri S.D.Joshi, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. Office has raised objection as about the limitation. Learned Counsel submits that the application has been filed within the period of limitation. He has referred to other O.A. so filed by the applicant and submitted that the O.A. was permitted to be withdrawn for filing fresh O.A.

3. **Keeping the objection of limitation open to be agitated by the respondents**, issue notice to the respondents, returnable on 21-04-2023.

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

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O.A.ST. NO.315/2023

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. S.O. to 21-04-2023.

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

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

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

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

DATE : 08-03-2023

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant as well as the learned P.O., S.O. to 21-03-2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023

ORIGINAL APPLICATION NO.577/2020
(Kalidas B. Choudhari Vs. State of Maharashtra & Ors.)

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

DATE : 08-03-2023

ORAL ORDER :

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

2. At the request of learned Counsel for the applicant as well as the learned P.O., S.O. to 24-03-2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 08.03.2023