

M.A. No. 92/2024 in O.A. St. No. 347/2024
(Madhukar Sambhaji Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Heard Shri S.S. Warbhuvan, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. There is a delay of 02 years, 11 months and 01 day caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the applicant is retired Government servant and by filing the accompanying Original Application, he is seeking directions to respondent Nos. 2 to 5 to release / pay him the provisional pension and other pensionary benefits with retrospective effect. Learned counsel submits that though the learned Special Court has convicted the applicant in connection with the Special (ACB) Case No. 01/2009 for the offences punishable under Section 13(1) (e) r/w S. 13(2) of the Prevention of Corruption Act, 1988 and Section 109 of IPC, however, by order

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dated 22.01.2020, the Hon'ble High Court of Bombay, Bench at Aurangabad has suspended the sentence passed by the learned Special Court, Beed in Special (ACB) Case No. 01/2009 on 30.12.2019 till conclusion of the appeal.

4. Learned counsel for the applicant submits that the applicant thereafter has filed several representations to extend him pensionary benefits so also to fix his provisional pension. However, the department has not considered the same. Learned counsel submits that thereafter the applicant could not approach immediately this Tribunal due to outbreak of COVID-19 pandemic and declaration of lockdown and extension of the same from time to time during the said period. The delay is therefore not intentional and deliberate one and the applicant is prevented from sufficient cause to approach this Tribunal within a stipulated time and hence, the delay may be condoned.

5. Learned Presenting Officer has resisted the application on the ground that there is an inordinate delay caused in filing the accompanying Original

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Application, for which no satisfactory explanation has been tendered by the applicant. The applicant should have approached this Tribunal before the outbreak of COVID-19 itself. However, the applicant is slept over his right, so the delay is intentional and therefore, the present Misc. Application seeking condonation of delay is liable to be dismissed.

6. It appears that the applicant has submitted applications/representations to release the provisional pension and pensionary benefits after suspension of the sentence by the Hon'ble High Court of Bombay, Bench at Aurangabad. The department has not taken any positive decision nor taken any action against the applicant based upon the judgment of conviction and sentence passed against the applicant. It further appears that the provisional pension, which was being paid to the applicant, was stopped. Further the Hon'ble Supreme Court in Suo Motu Writ Petition (C) No. 3 of 2020 has passed the orders time to time in the backdrop of the outbreak of Covid-19 and the declaration of the lockdown in connection

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thereto and thus extended the period of limitation applicable to the proceedings before the Courts/ Tribunals. It appears that as per the order passed by the Hon'ble Supreme Court, the period from 15.03.2020 till 28.02.2022 has been excluded for the purpose of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

7. In view of above, I am thus satisfied that the applicant is prevented from sufficient cause to approach this Tribunal within stipulated period. There is no intentional or deliberate delay as such. Thus, considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying Original Application subject to payment of costs by the applicant. Hence, the following order :-

ORDER

- (i) The Misc. Application No. 94/2024 is hereby allowed.
- (ii) The delay of 02 years, 11 months and 01 day caused in filing the accompanying O.A. under

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Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 1,000/- (One Thousand Only) to be paid by the applicant. The amount of costs shall be paid to the M.A.T. Bar Association within a period of one month from the date of this order.

(iii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

(iv) The M.A. accordingly disposed of.

MEMBER (J)

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(Madhukar Sambhaji Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Heard Shri S.S. Warbhuvan, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 20.09.2024.

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 20.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 479 OF 2023
(Laxmikant Venkateshrao Deshpande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The present Original Application is disposed of finally with the consent of both the sides.

3. By filing the present Original Application, the applicant is seeking directions to the respondents to transfer / depute from his present place of posting to that of Nanded.

4. Learned counsel for the applicant submits that the applicant came to be transferred on promotion. However, the applicant's wife is suffering from brain disease and applicant himself is suffering from chronic kidney disease. Furthermore the applicant is also claiming benefits of couple convenience, since his wife is also a Government servant. Learned counsel submits that during pendency of the present Original Application, the applicant has submitted

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representation dated 04.03.2024 giving his choice of two places in the backdrop of the aforesaid health issues.

5. Learned counsel for the applicant submits that purpose of filing of the present application is fulfilled, if the directions are given to the respondent authorities to consider the said representation dated 04.03.2024 sympathetically in a time bound manner.

6. Learned Presenting Officer submits that the respondents may be granted liberty to decide the said representation dated 04.03.2024 on its own merits.

7. In view of above submissions, the present Original Application can be disposed of by giving directions to the respondent authorities to decide the representation dated 04.03.2024 submitted by the applicant during pendency of the present Original Application on its own merits in a time bound manner. Hence, the following order :-

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ORDER

- (i) The Original Application is hereby partly allowed.
- (ii) The respondent authorities are hereby directed to decide the representation dated 04.03.2024 submitted by the applicant during pendency of the present Original Application within a period of three months from the date of this order on its own merits.
- (iii) The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities finally.

2. It is a part heard matter. S.O. to 29.07.2024 for citations.

MEMBER (J)

ORIGINAL APPLICATION NO. 940 OF 2019
(Ashok D. Phadnis Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 11.07.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 88 OF 2023
(Dr. Sachin V. Nawale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 01.08.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.07.2024

ORIGINAL APPLICATION NO. 149 OF 2023
(Vijay R. Thorat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Heard Shri D.K. Dagadkhair, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The Original Application is hereby allowed. The reasons would follow. There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 277 OF 2023
(Maroti N. Dhadekar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri G.N. Kulkarni (Mardikar), learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 19.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 473 OF 2023
(Pragati R. Chondekar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri S.B. Mene, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri G.R. Jadhav, learned counsel holding for Shri Avishkar Shelke, learned counsel for respondent No. 3, are present.

2. By consent, S.O. to 15.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 643 OF 2023
(Dilip B. Kadam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri Jiwan Patil, learned counsel holding for Shri A.B. Jagtap, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri A.B. Rajkar, learned counsel for respondent No. 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.07.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

O.A. No. 709/2023 in M.A. No. 207/2024
(Deepak R. Chavan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for respondent No. 6, are present.

2. By consent, S.O. to 22.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.07.2024

ORIGINAL APPLICATION NO. 733 OF 2023
(Shashikant U. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 29.08.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.07.2024

ORIGINAL APPLICATION NO. 794 OF 2023
(Dattatraya N. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Heard Shri Jiwan Patil, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that though the interim order is in favour of the applicant and in consequence thereof the suspension order has been stayed, during pendency of the present Original Application the applicant came to be retired on attaining the age of superannuation on 30.06.2024. Learned counsel submits that in view of the same, nothing survives for further consideration in the present Original Application and the same may be disposed of as infructuous.

3. In view of above, the Original Application is disposed of as infructuous. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 277 OF 2017
(Shaikh Mehboob Abdul Kareem Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri S.S. Jadhavar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 16.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 611 OF 2017
(Nagnath G. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 698 OF 2017
(Jalamsing D. Valvi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 09.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 721 OF 2017
(Subhash K. Parlikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 09.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 832 OF 2017
(Ramkrishna K. Mhaske & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicants, S.O. to 18.09.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 508 OF 2023
(Shalini P. Bidarkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted for filing additional affidavit in reply to the amended O.A.

3. S.O. to 23.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 782 OF 2021
(Dhrupatrao P. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri M.R. Mundhe, learned counsel holding for Shri G.J. Pahilwan, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 08.07.2024

ORIGINAL APPLICATION NO. 997 OF 2022
(Rekha D. Shinde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri A.S. Khedkar, learned counsel holding for Shri S.N. Suryawanshi, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 08.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 08.07.2024

ORIGINAL APPLICATION NO. 290 OF 2024
(Asha B. Garud Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. The present matter is not on board. At the request of learned counsel for the applicant it is taken on board.

3. Learned counsel for the applicant submits that the matter is not listed today though the date is given.

4. In view of above, list the matter on 25.07.2024 for hearing. The interim relief, if any, granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 2298 OF 2023
(Shyam M. Maske Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri A.G. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.07.2024.

MEMBER (J)

SAS ORAL ORDER 08.07.2024

ORIGINAL APPLICATION NO. 649 OF 2024
(Ramchandra P. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 16.07.2024.

MEMBER (J)

SAS ORAL ORDER 08.07.2024

**ORIGINAL APPLICATION NO. 696 OF 2024
(Shaikh Shabbir Mohoddin Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri Vishal Rathod, learned counsel holding for Shri S.B. Patil, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.07.2024.

MEMBER (J)

SAS ORAL ORDER 08.07.2024

ORIGINAL APPLICATION NO. 697 OF 2024
(Dilip Devidas Buwa Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Heard Smt. Suchita Dhonged, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to respondents, returnable on 18.09.2024.

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

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

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

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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 18.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 08.07.2024

**ORIGINAL APPLICATION NO. 578 OF 2016
(C.H. Dongaonkar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 2 to 5.

2. This is a part heard matter.

3. S.O. to 31.07.2024 for production of citations by the parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 921 OF 2016
(Sanjay T. Mali Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. At the request of learned P.O., S.O. to 18.07.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 185 OF 2020
(Baliram B. Mahale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. At the request of learned P.O., S.O. to 24.07.2024 for further hearing.

MEMBER (J)

**O.A.NO. 461/2020 WITH M.A.NO. 62/2021
(Shaikh Rahim Ameeroddin Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant in O.A./respondent No.1 in M.A., Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri Vishal Rathod, learned counsel holding for Shri S.B. Patil, learned counsel for respondent Nos. 2 to 4 in O.A/applicants in M.A., are present.

2. At the request of learned counsel for respondent Nos. 2 to 4 in O.A./applicants in M.A., S.O. to 02.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 08.07.2024

ORIGINAL APPLICATION NO. 52 OF 2021
(Dr. Rekha G. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri M.R. Mundhe, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

Shri S.B. Solanke, learned counsel for respondent Nos. 3 & 4, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 06.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 278 OF 2022
(Anwar Khan Azizkhan Pathan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.
3. S.O. to 13.08.2024 for order.

MEMBER (J)

**O.A.NO. 404/2022 WITH M.A.NO. 267/2024
(Manesh D. Nagargoje Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel holding for Shri K.G. Salunke, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 16.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 08.07.2024

**ORIGINAL APPLICATION NO. 102 OF 2021
(Sangram U. Rathod Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant does not want to file any application seeking amendment.

3. In view of above, list the matter for admission hearing on 19.09.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 156 OF 2021
(Jayshree A. Sonwane Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant does not want to file any application seeking amendment.

3. In view of above, list the matter for admission hearing on 19.09.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 489 OF 2020
(Subhash O. Ghodke Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri H.P. Randhir, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 25.07.2024.

MEMBER (J)

SAS ORAL ORDER 08.07.2024

ORIGINAL APPLICATION NO. 322 OF 2023
(Chhaya M. Suradkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri A.G. Deshmukh, learned counsel holding for Shri Shrimant Mundhe, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 22.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 285 OF 2024
(Ram S. Bajulge Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri A.G. Deshmukh, learned counsel holding for Shri Amol A. Kokad, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 31.07.2024.

MEMBER (J)

SAS ORAL ORDER 08.07.2024

**ORIGINAL APPLICATION NO. 288 OF 2024
(Chandrakant V. Nandanwar Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Smt. Kalpana Kulkarni (Sonpawale), learned counsel holding for Shri S.P. Sonpawale, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 31.07.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 398 OF 2024
(Rajesh G. Polkamwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri V.C. Patil, learned counsel holding for Shri V.D. Patnoorkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 3 and 4. The same is taken on record and copy thereof is given to other side.

3. Learned counsel for the applicant seeks time to go through the same and file affidavit in rejoinder, if necessary. Time granted.

4. In view of above, list the matter for filing affidavit in rejoinder, if any and for admission hearing on 28.08.2024.

5. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 418 OF 2024
(Sainath N. Panchal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri B.P. Gonare, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri U.B. Deshmukh, learned counsel for respondent No.4, are present.

2. Learned P.O. submits that the record is now received as directed.
3. At the request made on behalf of respondents, time granted as a last chance for filing affidavit in reply.
4. S.O. to 23.07.2024.

MEMBER (J)

**M.A.NO. 551/2023 IN O.A.ST.NO. 2307/2023
(Seema V. Chawriya Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri M.S. Chaudhari, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is granted, no reply has been filed by the respondents.

3. In view of same, list the matter for hearing on 12.08.2024 with liberty to other side to file reply till then.

MEMBER (J)

Later On:-

Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 & 2 along with spare copy for the other side. The same is taken on record.

2. List the matter for filing affidavit in rejoinder, if any and for hearing on 12.08.2024.

MEMBER (J)

M.A.NO. 112/2024 IN O.A.ST.NO. 571/2024
(Balasaheb L. Chavan & Ors. Vs. State of Maharashtra &
Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri A.S. Shelke, learned counsel for the applicants, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2 to 5 along with spare copy for the other side. The same is taken on record.

3. List the matter for filing affidavit in rejoinder, if any and for hearing on 27.08.2024.

MEMBER (J)

SAS ORAL ORDER 08.07.2024

**ORIGINAL APPLICATION NO. 304 OF 2024
(Rohit D. Ghuge Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri S.G. Jadhavar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 5. The same is taken on record and copy thereof is given to other side.

3. Learned counsel for the applicant seeks time to go through the same and file affidavit in rejoinder, if necessary. Time granted.

4. S.O. to 08.08.2024 for filing affidavit in rejoinder, if any and for admission hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 860 OF 2023
(Arun W. Bomnalikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Shri S.P. Dhobale, learned counsel holding for Shri A.V. Patil (Indrale), learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 12.09.2024 for filing rejoinder/for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1109 OF 2023
(Prashant S. Auti Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

Heard Shri A.S. Karlekar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities, Shri Shaikh T.M., learned counsel holding for Shri A.R. Borulkar, learned counsel for respondent No.3 and Shri B.V. Virdhe, learned counsel for respondent No.4.

2. This is a part heard matter.

3. Learned counsel for respondent No.3 during the course of his submissions has shown the original record of the Municipal Council, Ausa. The same is retained till the judgment is delivered. Similarly the learned counsel for respondent No.4 has also shown the original record. It is also kept till the judgment is delivered.

4. The Registrar of this Tribunal is directed to give receipt of the said original records to the concerned advocates.

5. The record will be returned after the purpose is over.

6. S.O. to 16.07.2024.

MEMBER (J)

M.A.NO. 363/2023 IN OA.ST.NO. 1497/2023
(Mukund G. Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.07.2024

ORAL ORDER :

None present for the applicant. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 04.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 08.07.2024

ORIGINAL APPLICATION NO. 685/2019
(Shivaji R. Thakare Vs. The State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 08.07.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 590/2023
(Rajendra A. Shirsat Vs. The State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 08.07.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 988/2023
(Venkatesh V. Mundhe Vs. The State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 08.07.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for
Shri A.S. Shelke, learned counsel for the applicant
and Shri V.R. Bhumkar, learned Presenting Officer
for the respondent authorities, are present.

2. S.O. to 16.07.2024. Interim relief granted
earlier to continue till then.

MEMBER (A)

M.A.NO. 195/2024 IN O.A.NO. 489/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 196/2024 IN O.A.NO. 362/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 197/2024 IN O.A.NO. 363/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 198/2024 IN O.A.NO. 365/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 199/2024 IN O.A.NO. 368/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 385 OF 2024
(Pranita Shivaji Randive Vs. State of Maha. & Ors.)

ORIGINAL APPLICATION NO. 386 OF 2024
(Shital Diliprao Kadam Vs. State of Maha. & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 08.07.2024

ORAL ORDER :

Shri Avinash Khedkar, learned counsel for the applicants in all these MAs/Intervenors and Shri V.G. Pingle learned Presenting Officer for the respondent authorities in all these matters and Shri M.B. Bharaswadkar, learned counsel for respondent No. 2 in O.A. Nos. 362, 363, 365 & 368 all of 2024, are present.

S/Shri Pankaj Raibole, learned counsel holding for Shri Amol Chalak, S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the

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respective applicants in respective OAs and Shri G.V. Mohekar, learned counsel for the applicants in O.A. No. 365/2024, are present.

Shri B.N. Magar, learned counsel for the applicants in O.A. Nos. 385 & 386

Shri Vijay Dhakane, learned counsel for the applicants in 368/2024 (**absent**).

2. S.O. to 30.07.2024. Interim relief granted earlier, if any shall remain in force till next date.

MEMBER (A)

ORIGINAL APPLICATION NO. 757/2022
(Sunil K. Rodge Vs. The State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 08.07.2024

ORAL ORDER :

Shri Vishal Rathod, learned counsel holding for
Smt. Aditi D. Warjurkar, learned counsel for the
applicant and Shri V.G. Pingle, learned Presenting
Officer for the respondent authorities, are present.

2. S.O. to 22.07.2024. Interim relief granted
earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 994/2023
(Trimbak D. Chavan Vs. The State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 08.07.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding
for Shri H.P. Jadhav, learned counsel for the
applicant and Shri V.G. Pingle, learned Presenting
Officer for the respondent authorities, are present.

2. S.O. to 26.07.2024. Interim relief granted
earlier to continue till then. **High on Board.**

MEMBER (A)

ORIGINAL APPLICATION NO. 897/2023
(Dhanraj B. Gaikwad Vs. The State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 08.07.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri H.P. Jadhav, learned counsel for the applicant, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent no. 5, 10 & 11, are present.

2. S.O. to 16.07.2024. Interim relief granted earlier to continue till then. **High on Board.**

MEMBER (A)

T.A. NO. 23/2023 (W.P. 13531/2023)
(Kishor B. Deshmukh & Ors. Vs. The State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)
[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 08.07.2024

ORAL ORDER :

Smt. Suchita Upadhyay, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned C.P.O. has tendered affidavit in reply on behalf of respondent no. 1. It is taken on record. Learned C.P.O. further submits that costs of Rs. 1000/- as imposed by this Tribunal vide order dated 18.6.2024 is deposited in the office.

3. S.O. to 10.07.2024.

MEMBER (A)