

ORIGINAL APPLICATION NO. 855/2019
(Smt. Shobha Wd/o Rajneesh Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The applicant has preferred the present application being aggrieved by the inaction on part of the respondents and more particularly respondent no. 2 in taking the consequential steps in view of the death in harness of her husband namely Rajneesh Waghmare, who was working as Class-IV employee on the establishment of respondent no. 2 and extending her the benefit of getting compassionate appointment and family pension.

3. Deceased Rajneesh Waghmare was appointed by respondent no. 2 in Class-IV category on 15.3.2000. In one year thereafter i.e. on 23.10.2000 said Rajneesh Waghmare was terminated from the

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services having secured appointment by illegal methods. Said Rajneesh Waghmare had approached the Maharashtra Administrative Tribunal and the Tribunal set aside the said order of termination on 31.1.2001. Though Rajneesh Waghmare was reinstated in the services on 17.1.2002 enquiry was initiated against him by serving upon him the memorandum of charge. On the basis of memorandum so issued the departmental enquiry was conducted and the Enquiry Officer submitted his report on 26.5.2005. On the basis of the report so submitted by the Enquiry Officer show cause notice was issued to Rajneesh Waghmare on 17.1.2008 calling upon him to explain why his services shall not be terminated. The said notice was challenged by him by filing O.A. no. 448/2009. The Original Application so filed was decided by the Tribunal on 4.1.2010. The Tribunal though permitted the respondents to proceed with the enquiry liberty was given to the applicants i.e. Rajneesh Waghmare to file departmental appeal before the appellate authority, if adverse order is passed. Further protection was also provided by the Tribunal by passing an order that if the appellate

authority decides the appeal against Rajneesh Waghmare, the said order shall not be given effect for next four weeks so that within that period Rajneesh may file fresh O.A. before the Tribunal if he so desires.

4. Departmental Enquiry initiated against Rajneesh was thereafter completed and Rajneesh was held guilty of the charges leveled against him. Based on that report Rajneesh was dismissed from the services. Against the said decision Rajneesh preferred appeal before the appellate authority within stipulated period. The said appeal when was pending for consideration Rajneesh Waghmare died on 7.2.2018. As has been contended in the present OA the departmental appeal has still not been decided by the appellate authority.

5. In background of the aforesaid facts the learned counsel for the applicant submitted that Rajneesh Waghmare was not the only employee against whom the departmental enquiry was initiated, but there were around 26 employees including said Rajneesh Waghmare, who were

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subjected for such actions. The learned counsel further pointed out that it was the allegation against Rajneesh Waghmare and other 25 employees that they secured the appointments by using illegal methods in connivance with the then Civil Surgeon. The learned counsel further submitted that the enquiry was also initiated against said Civil Surgeon Dr. Degloorkar, wherein the prime charge against him was that he gave appointments to 26 persons without following the procedure for giving appointment and on extraneous consideration. The learned counsel pointed out that in the enquiry concluded against the then Civil Surgeon the aforesaid charge was held not proved.

6. The learned counsel further submitted that in teeth of the findings recoded by the Enquiry Officer in the enquiry concluded against the Civil Surgeon allegations made against deceased Rajneesh Waghmare and other 25 employees that in connivance with Civil Surgeon said candidates have secured illegal appointments without following the due procedure of law was per-se liable to be quashed. The learned counsel submitted that alike

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the present applicants there were 2 more applicants namely Sahin Begum w/o Based Ali (applicant in O.A. No. 48/2011) and Smt. Jyoti d/o Jeevan Aglave (applicant in O.A. No. 610/2016), who lost their husbands prior to deceased Rajneesh Waghmare had approached this Tribunal by filing O.A. Nos. 48/2011 & 610/2016 respectively with the same prayers as are made by the present applicant. The learned counsel further pointed out that O.A. No. 48/2011 filed by Shahin Begum w/o Based Ali was decided first and on the same line the subsequent O.A. bearing No. 610/2016 filed by Smt. Jyoti wd/o Jeevan Aglave also came to be allowed. The learned counsel further pointed out that the order passed in both the said OAs have not been challenged by the respondents, according to the knowledge of the present applicant. The learned counsel on instructions also submitted that on the contrary the order passed in O.A. No. 48/2011 has been complied with by the respondents and the applicant in the said matter has already been given compassionate appointment in place of her deceased husband.

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7. The learned counsel further submitted that since the case of the present applicant is identical with the cases of the applicants in O.A. no. 48/2011 and 610/2016, she deserves to be awarded with the same relief, which has been granted in favour of the said applicants. The learned counsel read out the relevant portion in the orders passed by the Tribunal in the aforesaid OAs and prayed for granting same reliefs in the present application on the same lines.

8. The learned counsel for the applicant pointed out that during pendency of the O.A. NO. 610/2016 filed by Smt. Jyoti Jeevan Aglave for granting her family pension before this Tribunal, the department has processed the case for granting her family pension and has included her name in the list of candidates to whom the appointments on compassionate grounds were to be given.

9. The learned counsel for the applicant further submitted that after death of her husband Rajneesh Waghmare, applicant had made representation on 4.2.2019 to respondent no. 2 requesting him for

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grant of family pension in her favour and for including her name for granting the compassionate appointment. The learned counsel pointed out that in the said representation the applicant referred the case of applicant in O.A. No. 610/2016, Smt. Jyoti Jeevan Aglave, and has pointed out to the said authority that the pension case of said Smt. Jyoti Jeevan Aglave was processed by the Department during the pendency of O.A. filed by her and pension was also granted accordingly and her name was also included by the Civil Surgeon in the list of candidates eligible to get compassionate appointment. The learned counsel submitted that when the relief was granted to the legal heirs of co-employee namely Smt. Jyoti Jeevan Aglave the same treatment was expected to the present applicant, however, the respondents have not responded to the representation so submitted by the present applicant. The learned counsel submitted that the present is the case of clear discrimination in 2 sets of employees. The learned counsel submitted that when the case of the present applicant is identical with the case of applicant in O.A. No. 610/2016, Smt. Jyoti Jeevan Aglave, there is no reason for not

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granting same relief which has been granted in favour of Smt. Jyoti Jeevan Aglave.

10. The learned P.O. opposed the submissions made on behalf of the applicant. The respondent nos. 1 to 3 have resisted the application by filing their short reply. The learned PO reiterated the contentions raised in the said affidavit in reply in his arguments. The learned PO submitted that even if it is accepted that the appellate authority has not decided the appeal filed by deceased Rajneesh Waghmare against the order of his removal from service, the fact remains that the said order of removal has not been set aside by any competent authority or by this Tribunal. The learned PO submitted that unless the said order of removal is set aside by the competent authority or the Tribunal, no right can be said to have accrued in favour of the present applicant for claiming the reliefs, which she has claimed in the present OA. The learned PO submitted that the applicant has not made any submission on merit of the order of removal passed against deceased Rajneesh Waghmare or findings recorded by the Enquiry

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Officer in the enquiry. In the circumstances, according to learned PO, no relief can be granted in favour of the applicant. The learned PO further pointed out that case of applicant in O.A. No. 48/2011, Shahin Begum w/d Based Ali, is quite distinguishable in view of the fact that her husband had died during pendency of the enquiry and as such the enquiry can said to have been abated against him, but insofar as present deceased Rajneesh Waghmare was concerned, he was very much alive and he had filed appeal which admittedly has not yet been decided by the said authority. On this ground the learned PO prayed for dismissal of the present O.A.

11. I have carefully considered the submissions advanced on behalf of the applicant, as well as, respondents. I have carefully perused the order passed by this Tribunal in O.A. No. 48/2011, as well as, order passed by the Tribunal in O.A. No. 610/2016. After having scrutinized the facts involved in the present matters there has remained no doubt that the facts involved in the present matter are identical to the facts, which existed in

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O.A. No. 610/2016 filed by Smt. Jyoti Jeevan Aglave. As has come on record in the year 2000, 26 persons were appointed as Class-IV employees by the then Civil Surgeon and their appointments were challenged. Insofar as the litigation which took place in the said matters I have made reference of the same while noting down the submissions made on behalf of the applicant. The said factual matrix is not in dispute. The respondents have not disputed the fact that first appeal filed by deceased Rajneesh Waghmare has yet not been decided. The same was the case in O.A. No. 610/2016. During the course of hearing of the present OA I had called for papers in OA No. 610/2016 so as to go through the averments / pleadings raised by the applicant in that case. It is noticed by me that almost similar pleadings as are raised by the present applicant were raised by the said applicant and same relief as has been claimed by the present applicant was claimed therein.

12. From the facts which existed in O.A. No. 610/2016, it is transpired that during pendency of the said O.A. the family pension case for extending

family pension to the widow of Jeevan Aglave was processed and the proposal in that regard was forwarded to Accountant General, Nagpur who sanctioned the family pension to the applicant i.e. widow of deceased Jeevan Aglave. It is also noticed that Civil Surgeon, Beed had included the name of the widow of deceased Jeevan Aglave in waiting list for compassionate appointment. Considering the facts as aforesaid the Tribunal allowed the said O.A. and directed the respondents therein to include the name of the applicant i.e. widow of deceased Jeevan in the consolidated waiting list of the eligible candidates to be appointed on compassionate grounds.

13. As has been submitted by the learned counsel for the applicant as per the information received to the applicant the widow of deceased Jeevan Aglave has been given the appointment on compassionate ground. The submission so made on behalf of the applicant has not been denied or disputed by the respondents. It cannot be disputed that the present applicant stands at par with the applicant in O.A. No. 610/2010. In view of the facts which have come

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on record evidencing that the family pension has been granted to the said applicant and further that she has also been given appointment on compassionate ground, the objection as has been raised on behalf of the present applicant that the respondents have not given the same treatment to her as has been given to the applicant in O.A. No. 610/2010, and it amounts to discriminatory practice, has to be sustained.

14. When the respondents have opposed for granting the pensionary benefits and compassionate appointment to the present applicant on the ground that deceased Rajneesh Waghmare was held guilty of the misconduct alleged against him and was removed from the services, no explanation has come forth from the respondents as to how then the widow of deceased Jeevan Aglave (applicant in OA No. 610/2010) whose husband was also subjected to same punishment of removal from service has been granted the family pension and has also been provided with compassionate appointment. It is significant to note that without there being any order from the Tribunal or any other authority, the family

pension was granted to the widow of deceased Jeevan Aglave. The respondents have not disputed that deceased Jeevan Aglave and deceased Rajneesh Waghmare both were subjected to face disciplinary enquiry on identical grounds and both were awarded the same punishment of 'removal from service'.

15. Considering the facts as aforesaid there remains no doubt that the respondents have given discriminatory treatment to the present applicant and have thus violated the constitutional guarantee enshrined under article 14 of the Constitution of India.

16. The argument advanced by the learned counsel for the applicant that the deceased Rajneesh Waghmare must be held to have retired from the Government services as on duty also deserves to be considered. It is not in dispute that this Tribunal while disposing of OA No. 448/2009 filed by deceased Rajneesh Waghmare had given liberty to him to approach in the event he is held guilty in the DE to file appeal against the findings recorded in the said enquiry and the punishment, if any, imposed on

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the strength of the enquiry report by the disciplinary authority, to the departmental appellate authority. It is also a matter of record that the Tribunal in the same order has passed further order giving liberty to the applicant to file OA in the event the appellate authority also decides the appeal against him and for the said purpose the Tribunal had directed not to implement the order passed by the disciplinary authority for 4 weeks after rejection of the appeal by the appellate authority. Admittedly deceased Rajneesh Waghmare filed departmental appeal before the appellate authority well within the period of limitation challenging findings recorded by the enquiry officer and punishment of removal granted to him by the disciplinary authority. There is further no dispute that the appellate authority has not decided the said appeal till date. Consequently the punishment imposed upon deceased Rajneesh Waghmare by the disciplinary authority of removal from service has not been implemented meaning thereby that on the date of his superannuation since the punishment of removal was not implemented deceased Rajneesh must be held to have retired while in service.

17. From the acts of the respondents in granting family pension to the widow of deceased Jeevan Aglave, it is evident that the respondents have held deceased Jeevan Aglave to have been superannuated while in service since order of removal from service passed against him was never implemented or not given effect to because of order passed by this Tribunal. It need not be reiterated that the facts involved in the matter of deceased Rajneesh Waghmare are quite identical with the facts existing in the case of deceased Jeevan Aglave. In the circumstances, the respondents were expected to give the same treatment to the wife of deceased Rajneesh Waghmare i.e. the applicant in the present case as has been given by them to the widow of deceased Jeevan Aglave. By not giving such treatment to the present applicants the respondents have violated the principal enshrined under article 14 of the Constitution of India. In the circumstances, the prayers made by the applicant in the present OA deserve to be granted in her favour.

18. One more circumstance has been referred by the learned counsel for the applicant that the Civil

Surgeon namely Shri Degloorkar, who had issued the appointment order in favour of the applicant's husband and 25 others was also subjected to the DE by framing the same charges i.e. issuance of illegal appointment orders in favour of applicant's husband and 25 others, however, the said Civil Surgeon has been exonerated from the said charge in the DE conducted against him. It was therefore the contention of the learned counsel for the applicant that the only charge against the husband of the present applicant that he has obtained illegal appointment from the then Civil Surgeon namely Shri Degloorkar must be held to have not proved against the applicant.

19. The learned counsel pointed out that in the order passed in the OA No. 48/2011 decided on 12.9.2011 in para no. 4 of the said order the aforesaid fact of exoneration of Shri Degloorkar from the aforesaid charge has been noted. The learned counsel submitted that the aforesaid fact has not been denied or disputed by the respondents. The learned counsel submitted that had the appeal been decided by the authority in the lifetime of the

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deceased Jeevan Aglave or within reasonable time there were full chances of setting aside the punishment imposed upon him in light of the fact that Dr. Deglookar was exonerated from the charge of giving illegal appointments to deceased Rajneesh Waghmare etc. 25. The aforesaid reason, in my opinion, also favours the case of the applicant and makes her entitled for the relief which she has claimed in the present OA.

20. After having considered the entire facts and circumstances involved in the present matter I have reached to the conclusion that the applicant is entitled for grant of reliefs claimed by her in the present OA. Hence the following order :-

ORDER

(i) The applicant is held entitled to the benefit of compassionate appointment and family pension in view of death in harness of her husband Rajneesh Waghmare.

(ii) The respondents are directed to include the name of the applicant at a appropriate place on the

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basis of date of her application in the list of candidates seeking compassionate appointment and consequently to give her the compassionate appointment as per her turn and seniority in the said list.

(iii) The respondents are further directed to extend the benefit of family pension to the applicant from the date of death of her husband i.e. 7.2.2018.

(iv) The present Original Application stands allowed in the aforesaid terms. No order as to costs.

VICE CHAIRMAN

ARJ O.A. NO. 855-2019

ORIGINAL APPLICATION NO. 379/2021
(Shri Ravindra B. Rathod Vs. State of Maharashtra & Ors.)
AND
ORIGINAL APPLICATION NO. 416/2021
(Dr. Ajit R. Kothari & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Heard Shri N.L. Choudhari, learned counsel for the applicants in both the matters and Shri N.U. Yadav, learned Presenting Officer for the respondents in both the matters.

2. In view of the fact that the applicants in both these matters are claiming the same relief and are similarly situated candidates, I have heard both the matters together and deem it appropriate to decide both these matters by a common judgment.

3. The applicants are Medical Officers working in the Health Department of the Government of Maharashtra. As is revealing from the contents of the applications, the applicants were initially appointed on ad-hoc basis for the fixed period. Initial appointments were for the period of 11 months, but they were continued from time to time

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and sometime in the year 2009 the regular appointments came to be issued in favour of the applicants on the strength of the decision taken by the Government to absorb all these candidates permanently on the posts on which they are working. In the present matters the applicants have prayed for considering the period of service which they have rendered on ad-hoc basis for grant of Earned Leaves earned by the applicants during this period and increments, which failed due during the said period.

4. The learned counsel for the applicants submitted that identical matters are dealt with by this Tribunal in past and all those applications have been allowed by this Tribunal. The learned counsel submitted that way back in the year 2003, O.A. No. 149/2003 was allowed by this Tribunal on 26.8.2003, wherein the identical prayers as are made in the present applications were made. The following order was passed in the said O.A. :-

“We can, therefore, dispose off the present petition by directing the respondent authorities to ignore all the artificial technical breaks by condoning the same and/or by sanctioning

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earned leave in respect of such days of artificial technical breaks. In result, the petitioner shall be entitled to annual increments and leave as is admissible to the ad-hoc appointments.”

5. The learned counsel for the applicants submitted that the order passed in O.A. No. 149/2003 was challenged before the Aurangabad Bench of Hon'ble Bombay High Court by filing Writ Petition by the respondents therein, however, the said writ petition was dismissed by the Hon'ble High Court. The learned counsel further submitted that the Special Leave Petitions were filed against the order passed by the Hon'ble Bombay High Court in the said Writ Petitions and the Hon'ble Supreme Court vide order dated 2.2.2011 dismissed the said SLPs on the ground of delay, as well as, on merits. The learned counsel further submitted that thereafter 16 OAs were filed in the year 2009 having similar facts and claiming similar reliefs as has been claimed by the present applicants. The learned counsel submitted that vide the common order passed on 2.5.2016 in all those OAs this Tribunal had allowed all the said applications. The learned counsel pointed out that in the order dated 2.5.2016 there is a reference of the earlier order passed by

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this Tribunal in O.A. No. 149/2003 and the Writ Petitions filed against the said order, as well as, filing of SLP in the said matter. The learned counsel pointed out that thereafter on 25.9.2018 this Tribunal has allowed O.A. No. 824/2016 filed by Dr. Asha d/o Apparao Kadam, wherein also the identical relief was claimed. The learned counsel in the circumstances has prayed for allowing both the present OAs.

6. The contentions raised in the present OAs are disputed by respondent no. 3 in his affidavit in reply filed in the present applications. Similarly the respondent nos. 1 and 2 have also filed the affidavit in reply and resisted the contentions raised in the OAs. It is the contention of the respondents in their affidavit in replies that the ad-hoc service rendered by the applicants cannot be clubbed with the regular service. It is further contended that in the appointment orders there was a specific stipulation that the applicants will not be entitled to claim any benefit on the strength of the said ad-hoc orders. It is further contended that as per rule 36 of the M.C.S. (Pay) Rules, 1981 the Government employees

who have completed or rendered regular one year service are only eligible for annual increments, whereas the present applicants did never work for the continuous period of one year before their absorption / regular appointment. The learned PO in his arguments reiterated the contentions taken in the replies filed by respondents. The learned PO relied upon the judgment of the Hon'ble Supreme Court in the case of **Dr. (Smt.) Chanchal Goyal Vs. State of Maharashtra, Appeal (Civil) No. 7744/1997** on 18.2.2003. The learned PO prayed for dismissal of both the applications.

7. I have carefully considered the submissions advanced on behalf of the applicants, as well as, respondents. Insofar as the factual aspects are concerned, there seems no dispute. The period of service rendered by the applicants on ad-hoc basis and fact of their absorption in Government service on respective dates, are not in dispute. The applicants have filed the copies of judgments of this Tribunal in the case of **Dr. Rajesh Anandrao Gaikwad & Ors. Vs. the State of Maharashtra & Ors, O.A. No. 242/2009** with the similar matters.

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I have gone through the entire text of the said judgment. Similarly the judgment of the Tribunal in the case of **Dr. Asha d/o Apparao Kadam Vs. the State of Maharashtra & Ors., O.A. No. 824/2016** is also filed on record. The judgment delivered by the D.B. of Aurangabad Bench of Hon'ble Bombay High Court in the case of **The State of Maharashtra through the Secretary, Medical Education and Drugs Department, Mumbai Vs. Dr. Sangita d/o Raghvir Phatale, WP No. 3484/2005 & the batch** is also there on record. Copy of the order passed by Hon'ble Supreme Court in **Special Leave to Appeal (Civil) CC No. 18902-18915/2010 passed on 2.2.2011 (State of Maharashtra & Anr. Etc. Etc. Vs. Sangita Etc. Etc.)** is also placed on record. After having gone through the judgments relied upon by the applicants there has remained no doubt that the applicants in the present matters are having similar grievance as was raised by the applicants in the said matters and relief sought is also quite similar.

8. In the common judgment delivered in O.A. No. 249/2009 and others the Tribunal has referred to

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the GR dated 1.3.1997. Clause 4 of the said GR is relied upon by the Tribuna, which reads thus :-

“४. तदर्थ/अस्थायी म्हणून करण्यात आलेली नेमणूक अपरिहार्य कारणास्तव तीन वर्षांच्या पलीकडे सलग चालू ठेवण्यात आली असेल तर अशा कर्मचा-यांना, त्यांच्या नियुक्तीच्या सुरवातीच्या दिनांकापासून म. ना.से. (रजा) नियम, १९८१ मधील तरतुदीनुसार नियमित अस्थायी कर्मचा-याप्रमाणे सर्व प्रकारच्या रजेचे लाभ देण्यात यावेत.”

Referring to this GR this Tribunal has observed as under :-

“The Respondents have not claimed that this G.R. has been suspended or cancelled. As per this G.R., after three years of ad-hoc service, a Government servant is eligible to get all leave which are available to a regularly appointed temporary employee. The Applicants are clearly eligible to earn earned leave for the period of their ad-hoc service as per this G.R.”

9. In para 9 of the said judgment this Tribunal has taken a note of the decision rendered in O.A. No. 149/2003 and also about the Writ Petition filed against the said decision. The copy of the order passed in Writ Petition No. 3484/2005 is filed on record by the applicants. I deem it appropriate to reproduce the entire said judgment, which is a short judgment. It reads thus :

“1. These Petitioners challenge Orders passed by the Tribunal. The Respondents/ original applicants are the lecturers teaching in the Government Medical Colleges. They are admittedly working as ad-hoc employees since more than 9 to 10 years. Earlier proceedings were initiated by them before the Tribunal in which Orders were passed by the Tribunal directing Government Authorities to ignore all the artificial technical breaks by condoning the same or sanctioning earned leave in respect of such artificial technical breaks.

2. The Respondents again initiated proceedings for giving increments and certain allowances as the same were denied to them on the ground that they have not completed 365 days continuous service in a year. Their Applications were allowed by the Tribunal by placing reliance on the earlier orders passed. State has preferred to challenge that orders.

3. It is unfortunate to notice that for years together the Respondents are continued as the employees The on ad-hoc basis. Respondents are discharging crucial and vital duties of lecturers in the Government Medical Colleges. Early decision was desirable on the part of State in this regard. It was informed to this Court that the candidates selected by the M.P.S.C. could not be screened and forwarded and due to which the Respondents had to continue duties for years together as ad-hoc employees.

4. In the light of the earlier Orders passed by the Tribunal which are not challenged by the State, as per the submission made on behalf of the State, we find that no case is made out for interference in exercise of our extra ordinary writ jurisdiction. We do not find that the view adopted by the Tribunal is

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erroneous. In this view of the matter, all these Writ Petitions are dismissed.”

10. The copy of the order passed by the Hon'ble Supreme Court is also thereon record whereby the Hon'ble Supree Court has dismissed the SLPs filed against the order passed in WP No. 3484/2005 and other. In the subsequent order passed by this Tribunal in O.A. No. 824/2016 this Tribunal has again taken note of the earlier orders passed in the identical matters and has allowed the said OA. The applicant in the said OA was also appointed as Medical Officer on ad-hoc basis and her services were regularized on 11.2.2009. The Tribunal has held her eligible to get annual increments of her earlier services on ad-hoc basis and also for annual increments of the said period.

11. The respondents have not placed on record any information that the judgment delivered by this Tribunal in O.A. No. 824/2016 has been challenged before the Hon'ble High Court. On the contrary, as has been submitted by the learned counsel for the applicants the respondents have implemented the order passed in the said O.A.

12. After having gone through the judgments relied upon by the applicants there has remained no doubt that the cases of the applicants are identical with the matters already decided by the Tribunal and as such there is no reason for taking any contrary view than taken by this Tribunal earlier in all the said matters. It has to be specifically stated that the common decision rendered in some of the matters was challenged before the Hon'ble Bombay High Court and the same had failed. It is not in dispute that thereafter the respondents have approached the Hon'ble Supreme Court and the Hon'ble Supreme Court also did not cause any interference in the order passed in Writ Petitions and dismissed the bunch of said SLPs on the ground of delay, as well as, on merits. It is thus evident that the order passed by the Tribunal in the aforesaid OAs has attained the finality. Though the learned PO sought to rely on the judgment of the Hon'ble Supreme Court in the case of **Dr. (Smt.) Chanchal Goyal Vs. State of Maharashtra** (cited supra), as well as, on one another judgment of the Hon'ble Supreme Court in the case of **State of Haryana Vs. Haryana Veterinary & AHTS Association and Anr., in**

Appeal (Civil) No. 13423/1996 on 19.9.2000, the facts involved in the said matter are quite distinguishable. The judgment delivered by the Hon'ble Supreme Court in the case of **State of Haryana Vs. Haryana Veterinary & AHTS Association and Anr.** (cited supra) also may not apply to the facts of the present case. For the reasons stated above I am inclined to allow both these Original Applications with the following order :-

ORDER

- (i) The present Original Applications are allowed without any order as to costs.
- (ii) The applicants are held entitled for condonation of breaks in their service while working on ad-hoc basis.
- (iii) The applicants are held eligible to get the annual increments, as well as, the benefit of Earned Leaves of the period of service rendered by them on ad-hoc basis before their regularization.

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(iv) The respondents are directed to grant the aforesaid benefits to the applicants from the date of their initial appointment on ad-hoc basis within 3months from the date of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

ORIGINAL APPLICATION NO. 821/2021
(Meena L. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned counsel for the applicant on instructions seeks leave to withdraw the present O.A. insofar as the applicant no. 17, Sherkha Khalil Kha Pathan, is concerned. Hence the following order :-

ORDER

The present O.A. stands disposed of since withdrawn insofar as the applicant no. 17, Sherkha Khalil Kha Pathan, is concerned without any order as to costs. O.A. shall proceed further insofar as other applicants are concerned.

2. The learned counsel submits that he does not wish to file rejoinder affidavit.

3. In the circumstances, S.O. to 8.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 801/2021
(Shaikh Saoaib Abdul Khadir Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Heard Shri B.G. Deshmukh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. The learned counsel for the applicant has tendered across the bar the written pursis under the signature of the applicant, which is annexed with the order of appointment. The said documents are taken on record. The learned counsel submits that the purpose of filing the O.A. is served. The learned counsel seeks leave to withdraw the present O.A. Hence the following order :-

ORDER

The present O.A. stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 379/2022
(Dr. Prakash R. Kanade Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. The learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application. Hence the following order :-

ORDER

The present Original Application stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 841/2022
(Shahbaz Jummakhan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

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

2. The learned counsel for the applicant on instructions seeks leave to withdraw the present O.A. Hence the following order :-

ORDER

The present O.A. stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 576/2021
(Atmaram R. Raut Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 14.12.2022 for hearing.
3. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 681/2021
(Govind H. Darade Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri K.B. Jadhav, 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 14.12.2022 for hearing.
3. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 711/2021
(Lalita wd/o Bhagwan Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri R.M. Jade, 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 7.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 824/2021
(Premila U. Hanumante & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 8.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 825/2021
(Datta B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri P.V. Surryawanshi, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 8.12.2022 for hearing.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 105/2022
(Amar J. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 9.11.2022

ORAL ORDER :

Shri Swaraj Tandane, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. When the present matter is taken up for consideration the learned P.O. has sought permission to file the affidavit in reply on behalf of respondent no. 2. Though the matter is today kept for hearing without affidavit in reply of the respondents, for adjudication on merit I deem it appropriate to allow the respondents to file the affidavit in reply. The affidavit in reply of respondent no. 2 is taken on record and copy thereof is supplied to the learned counsel for the applicant.

3. The learned counsel for the applicant seeks time to make submissions on merits and if necessary seeks permission to file rejoinder affidavit to the affidavit in reply of respondent no. 2. Time granted.

4. S.O. to 23.11.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 482/2022
(Ganesh V. Patil Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri S.R. Patil, learned counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned counsel, S.O. to 30.11.2022 for hearing.

VICE CHAIRMAN

**M.A. NO. 350/2022 IN O.A. NO. 420/2021
(Raosaheb B. Jangle Vs. State of Maharashtra & Ors.)**

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

DATE : 9.11.2022

ORAL ORDER :

Heard Shri Swraj S. Tandale, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present application is filed seeking amendment in Original Application so as to bring on record the subsequent events happened during the pendency of the O.A., which has nexus with the subject matter. The learned CPO has submitted for passing appropriate orders.

3. After having gone through the application I am convinced that the subsequent events, which are sought to be brought on record may have some impact on the subject matter. Hence, the following order :-

ORDER

- (i) The present application is allowed.
- (ii) The necessary amendment be carried out within a week from this order. It is open for the respondents to file affidavit in reply to the amended O.A., if they so desire.
- (iii) O.A. to come on board on 5.12.2022.

VICE CHAIRMAN

M.A. 232/2019 IN O.A. ST. 532/2019
(A.R. Mhaske & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 30.11.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

M.A. 176/2020 IN O.A. ST. 2388/2019
(Ravindra R. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri Apparao P. Yenegure, 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 29.11.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

M.A. 345/2021 IN O.A. ST. 1475/2021
(Anantrao V. Soudagar Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri Mujahed Hussain, learned counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents and Shri D.T. Devane, learned counsel for respondent nos. 3 & 4, are present.

2. With the consent of both the sides, S.O. to 29.11.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

M.A. 83/2022 IN O.A. ST. 1621/2021
(Sopan P. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 30.11.2022 in Regular Admission Category.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

M.A. 420/2022 IN O.A. ST. 1554/2022
(Eknath M. Bansode Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri Prashant Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Issue notice to the respondents in M.A. No. 420/2022, returnable on 2.12.2022.

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

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

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

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

7. S.O. to 2.12.2022.

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

VICE CHAIRMAN

M.A. 428/2022 IN T.A. 9/2022 W.P. 8518/22
(Laxman M. Kashid & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri A.G. Ambetkar, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. This is an application 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 since the applicants have prayed for same relief, to avoid the multiplicity, leave to sue jointly 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

ARJ ORAL ORDERS 9.11.2022

T.A. 9/2022 W.P. 8518/22
(Laxman M. Kashid & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri A.G. Ambetkar, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Issue notice to the respondents, returnable on 30.11.2022.

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 30.11.2022.

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

VICE CHAIRMAN

M.A. 445/2022 IN T.A. 10/2022 W.P. 4726/22
(Namdev V. Shelar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri A.G. Ambetkar, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. This is an application 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 since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly 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

ARJ ORAL ORDERS 9.11.2022

T.A. 10/2022 W.P. 4726/22
(Namdev V. Shelar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri A.G. Ambetkar, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Issue notice to the respondents, returnable on 30.11.2022.

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 30.11.2022.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 443/2022
(Shri Diwakar M. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Heard Shri C.V. Thombre, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The learned counsel for the applicant submits that respondent no. 2 has also been served along with other respondents and the applicant will file service report during the course of the day.

3. The learned P.O. has tendered across the bar the affidavit in reply of respondent no. 2. It is taken on record and copy supplied to other side.

4. In the circumstances, S.O. to 28.11.2022 for further consideration.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 502/2018
(Bansilal C. Jaiswal Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri A.D. Raut, learned counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondents, Shri S.D. Joshi, learned counsel for respondent no. 2 and Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for respondent no. 3, are present.

2. The learned counsel for respondent no. 2 submits that Writ Petition is pending before the Hon'ble Bombay High Court, wherein order of imposing costs has been challenged.

3. In the circumstances, S.O. to 11.1.2023 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 568/2019
(Dnbyanoba K. Oval Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri D.T. Devane, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. It is noticed that in the present matter the respondent nos. 1 & 2 have not filed the reply. As has been submitted by the learned counsel the reply of said respondents is necessary for effective adjudication of the present matter.

3. The learned PO has sought last chance for filing the reply on behalf of respondent nos. 1 & 2.

4. In the interest of justice by way of last chance time is granted to the respondent nos. 1 & 2 for filing reply. It is clarified that no more chance will be granted for reply of the respondent nos. 1 & 2 and if the reply is not filed by the next date, the matter would be heard without reply of said respondents.

5. S.O. to 13.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 90/2020
(Satish N. Badade Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. The learned counsel for the applicant on instructions seeks leave to withdraw the present O.A. Hence, the following order :-

ORDER

The present O.A. stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 209/2020
(Akhil Ahmed Mukheed Ahmed Kazi Vs. State of
Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri Ravindra B. Ade, learned counsel for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, is present. Shri S.J. Salunke/MB Kolpe, learned counsel for respondent no. 7 (**absent**).

2. S.O. to 13.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 235/2021
(Hirasingh K. Chandelthakur Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Smt. R.S. Salve, learned counsel holding for Shri K.A. Ingle, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 773/2021
(Kalim Salim Inamdar Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

None appears for the applicant. Shri MP Gude, learned Presenting Officer for the respondents, is present.

2. The learned counsel, as well as, the applicant both are absent. The record shows that earlier also the applicant and his counsel have remained absent. On 27.9.2022 following order was passed :-

“ORAL ORDER

None present on behalf of the applicant.

Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 4.11.2022 for passing necessary order.”

3. It has to be stated that on 4.11.2022 the Tribunal was not functional and hence the matter has been taken on today's board, the date must not be within the knowledge of the applicant or his counsel.

4. In the circumstances, in the interest of justice I deem it appropriate to give one more opportunity to the applicant to work-out the matter. If on the next date the applicant fails to work-out the matter, the same will be dismissed.

5. S.O. to 30.11.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 822/2021
(Anita D. Damodar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. The learned counsel for the applicant submits that the applicant does not wish to file the rejoinder affidavit.
3. S.O. to 8.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 823/2021
(Sunil B. Sangewar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. The learned counsel for the applicant submits that the applicant does not wish to file the rejoinder affidavit.
3. S.O. to 8.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 85/2022
(Shri Madhav B. Nilawad Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

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

2. The learned counsel for the applicant submits that the applicant does not wish to file the rejoinder affidavit.
3. S.O. to 5.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 326/2022
(Shri Ulhas S. Pawar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

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

2. At the request of learned counsel re-issue notice to the respondent no. 4, returnable on 7.12.2022.

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 7.12.2022.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 915/2022
(Shri Kailas M. Prajapati Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

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

2. At the request of learned counsel re-issue notice to the respondents, returnable on 7.12.2022.

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

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

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

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

7. S.O. to 7.12.2022.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 920/2022
(Shri Dipak M. Zirwal Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

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

2. Await Service.
3. S.O. to 7.12.2022.

VICE CHAIRMAN

M.A. 299/2020 IN O.A. ST. 1286/2020
(Shri Ram S. Bajulge Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri R.M. Jade, learned counsel holding for Shri Amol A. Kokad, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. The learned counsel submits that the applicant does not wish to file the rejoinder affidavit. Hence place the matter on 2.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

M.A. 35/2022 IN O.A. ST. 105/2022
(Shri Om D. Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present.

2. The learned counsel submits that the rejoinder affidavit is not necessary. Hence list the matter on 2.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

M.A. 152/2022 IN O.A. ST. 346/2021
(Shri Suryakant S. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri P.V. Suryakant, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 11.11.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

M.A. 162/2022 IN O.A. ST. 608/2022
(Shri Nandkishor A. Awile Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. The learned counsel submits that the applicant does not wish to file the rejoinder affidavit. Hence list the matter on 7.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 540/2022
(Shri Uttam L. Raut & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 8.12.2022 for filing reply by the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 567/2017
(Shri Bebabal P. Koli (Sapkale) Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri Vinod P. Patil, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. Though one more last chance was granted to the applicant to file rejoinder the same is not filed. The learned counsel has sought further time for filing rejoinder. In the interest of justice, time is granted to the applicant to file rejoinder. It is however made clear that if the rejoinder is not filed by the next date, the matter will proceed further without rejoinder.

3. S.O. to 30.11.2022.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 1017/2019
(Suryabhan B. Nagre Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

None appear for the applicant and respondent no. 3. Smt. Deepali Deshpande, learned Presenting Officer for the respondents, is present.

2. S.O. to 30.11.2022 for filing rejoinder affidavit by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 20/2020
(Shankar N. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri J.M. Murkute, learned counsel for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 8.12.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 298/2020
(Ramraje G. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

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

2. S.O. to 30.11.2022 for reporting compliance of the order dated 21.1.2021.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 346/2020
(Babu R. Adbalwar Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri P.B. Rakhunde, learned counsel for the applicants (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and learned counsel, S.O. to 1.12.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 533/2020
(Sadashiv D. Sakhare Vs. State of Maharashtra & Ors.)

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

DATE : **9.11.2022**

ORAL ORDER :

None appears for the applicant. Shri IS Thorat, learned Presenting Officer for respondent authorities, Shri Shansunder B. Patil, learned counsel for respondent nos. 2, 4 & 6 and Shri S.B. Mene, learned counsel for respondent no. 3, are present.

2. At the request of learned PO and learned counsel for res. no. 3, as a one more chance, S.O. to 1.12.2022 for filing reply of the concerned respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 571/2020
(Madhukar R. Mapari Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

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. At the request of learned counsel for the applicant, S.O. to 1.12.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 02/2021
(Kiran S. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri Ajay S. Deshpande, 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 29.11.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 43/2021
(Chandramuni T. Kambale Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents and Shri Shamsunder B. Patil, learned counsel for respondent nos. 2 & 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.11.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 164/2021
(Balu A. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.11.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 309/2021
(Dinesh R. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri Pramod D. Patil, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. At the request of learned PO, as a final chance, S.O. to 29.11.2022 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 406/2021
(Sajed Mubasshiruddin Siddiqui Vs. State of Maharashtra
& Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, as a final chance, S.O. to 29.11.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 422/2021
(Satish A. Trimukhe Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri Vijay V. Deshmukh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, as a final chance, S.O. to 29.11.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 505/2021
(Bhaskar V. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri Virish N. Kulkarni (Mardikar), learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondents and Shri I.D. Maniyar, learned counsel for respondent no. 3, are present. Shri S.S. Ware, learned counsel for respondent no. 4 (**absent**).

2. The learned PO has tendered across the bar the reply of respondent no. 1. It is taken on record and copy thereof has been supplied to other side.

3, S.O. to 2.12.2022 for filing reply by the rest of the respondents and also for filing rejoinder affidavit by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 509/2021
(Dr. Ramling C. Mahajan & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri A.B. Girase, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. At the request of learned PO, S.O. to 5.12.2022 for filing affidavit in reply by the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 705/2021
(Balwant S. Mukhade Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri D.T. Devane, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, as a final chance, S.O. to 7.12.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 9.11.2022

O.A. NO. 843/2022
(K.E. Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : 9.11.2022

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant, Shri IS Thorat, learned Presenting Officer for the respondents authorities, Shri S.B. Mene, learned counsel for respondent nos. 2 & 3 and shri S.D. Joshi, learned counsel fo respondent no. 4, are present.

2. The learned counsel for the applicant has tendered across the bar the rejoinder. The same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 14.11.2022 for hearing.

VICE CHAIRMAN

**T.A.NO. 16 OF 2022 IN W.P.NO.150 OF 2022
(Santosh S. Chavan & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri Ajay T. Kanawade, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 08.12.2022.

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 08.12.2022.

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

MEMBER (A)

MEMBER (J)

**T.A.NO. 17 OF 2022 IN W.P.NO. 5627 OF 2022
(Yadav S. Sonkamble & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri S.B. Patil, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that he would file requisite application to sue jointly as there are many applicants.

3. At the request of the learned Advocate for the applicants, S.O. to 30.11.2022.

MEMBER (A)

MEMBER (J)

T.A.NO. 18 OF 2022 IN W.P.NO. 9387 OF 2022
(The Maharashtra Public Prosecutors Association, Through its
President Suhas S. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri Rahil Kazi, learned Advocate holding for Shri P.R. Katneshwarkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 15.12.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 15.12.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 982 OF 2022
(Dr. Sanjitkumar M. Sant Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

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

2. The Original Application is filed seeking declaration that the applicant is eligible for the post of District Civil Surgeon and he be allowed to participate in selection process pursuant to advertisement No.272/2021 dated 31.12.2021 (Annex. 'A-1') and further seeking interim relief to direct the M.P.S.C. to permit the applicant to participate in interview process to be held for the said post on 9th, 10th and 11th November 2022. The applicant is having education qualification of M.B.B.S. and M.S. in General Surgeon. He acquired M.B.B.S. degree on 31.08.2008 whereas he acquired Post Graduation Degree in M.S. on 15.07.2017.

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O.A.982/2022

3. Pursuant to the abovesaid advertisement, the applicant made online application (Annex. 'A-2') by giving necessary details. The advertisement was for the post of 172 posts of District Civil Surgeon. The respondent No.2 i.e. the M.P.S.C. published the list of eligible candidates pursuant to the advertisement No.272/2021 which is produced at Annex. 'A-3' as well as published the list of non eligible candidates at Annex. 'A-4'. The name of the applicant appears at Sr.No.28 in the list of non eligible candidates mentioning the reason as follows:-

“जाहिरातीतील परि.क्र.८.२ मध्ये नमूद केल्याप्रमाणे ०५वर्षे पेशा अनुभव कमी, यास्तव अपात्र.”

4. In view of above, prima facie what call for considering and interpreting the clause No.8 of advertisement which prescribes education qualification and experience is as follows:-

“ ८ शैक्षणिक अर्हता आणि अनुभव:—

८.१ शैक्षणिक अर्हता— (i) Possess M.B.B.S. degree of a statutory university or any other qualification specified in the First Schedule or Second Schedule of the Indian Medical Council Act, 1956;

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O.A.982/2022

(ii) Possess a post graduate degree of a statutory University in any clinical subject or the qualification specified in the first or Second Scheduled to the Indian Medical Council Act, 1956, or any other qualification recognized as equivalent thereto by the Medical Council of India.”

And Thereafter

८.२ अनुभव:—

Possess experience of working in a hospital of not less than five years out of which minimum three years experience of working in any hospital having minimum capacity of 30 beds gained after acquiring qualification mentioned in clause (i) and (ii) of 8.1 above.

5. In the abovesaid clause Nos. 8.1 and 8.2, if the case of the applicant is considered, prima facie it appears from the information furnished by the applicant in his online application (Annex. 'A-2', page No.18 of P.B.) that the applicant is having the experience of 4 years, 5 months 26 days after

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O.A.982/2022

completing post graduation in M.S. (item no.1 of the table showing experience) and experience of 3 years, 11 months and 9 days taking into account the experience listed in item No.2 and item no.4 taken together.

6. Yet a contrary view may be taken that immediately before clause 8.2 of the said advertisement, the phrase “And Thereafter” signifies that the experience has to be counted after acquisition of educational qualification mentioned in clause 8.1 (ii). However, keeping in view balance of convenience which goes favour of the applicant, in our considered opinion, this is fit case to direct the M.P.S.C. to allow the applicant to provisionally participate in oral interview which is scheduled to be held on 9th,10th and 11th November 2022 suitably.

7. In view of the same, interim relief in terms of prayer clause 9(C) is granted with further direction to keep the result of the applicant in sealed cover which would be subject to outcome of this Original Application.

8. During the course of arguments learned Advocate for the applicant has pointed out to us

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O.A.982/2022

that two instances one of which is about the eligible candidate at Sr.No.3 i.e. Yogesh Bhagwan Chitte has completed his post graduation as M.D. in June, 2018. To substantiate the same he produced Government Circular dated 08.03.2022 which is regarding seniority list in respect of Medical Officer, Group -A (S-20). It is taken on record. It also buttress the reason for granting interim relief in the present matter.

9. Issue notices to the respondents, returnable on 14.12.2022.

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

11. 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.

12. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

//6// O.A.982/2022

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

13. 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.

14. Learned C.P.O. is directed to communicate this order to the concerns since interviews are scheduled from today i.e. 9th November, 2022 to 11th November 2022.

15. S.O. to 14.12.2022.

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

MEMBER (A)

MEMBER (J)

**C.P.NO.53 OF 2019 IN O.A.NO. 207 OF 2018
WITH
C.P.NO.54 OF 2019 IN O.A.NO. 338 OF 2017
WITH
C.P.NO.56 OF 2019 IN O.A.NO. 421 OF 2017
WITH
C.P.NO.57 OF 2019 IN O.A.NO. 335 OF 2017
WITH
C.P.NO.58 OF 2019 IN O.A.NO. 23 OF 2018
WITH
C.P.NO.59 OF 2019 IN O.A.NO. 423 OF 2017
WITH
C.P.NO.60 OF 2019 IN O.A.NO. 422 OF 2017**

(Dr. Vinay P. Sonavane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all these matters, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these O.As and Shri P.R. Tandale, learned Advocate for the respondent No.5 in C.P.No.54/2019 In O.A.No.338/2017.

2. By consent of all the parties, S.O. to 05.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 586 OF 2012
(Bharat M. Bhosale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate holding for Shri Sudhir Patil, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 132 OF 2016
(Mandabai G. Thakur Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 03.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 32 OF 2018
(Shahadeo S. Bangar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, 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 14.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**O. A. NOS. 149, 150 AND 151 ALL OF 2020
(Vitthal S. Ambatwad & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri S.L. Bhapkar, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. At the request of the learned Advocate for the applicants, S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 505 OF 2020
(Madam D. Dube Vs. State of Maharashtra & Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1 & 2 and Shri S.B. Patil, learned Advocate for the respondent No.3.

2. Learned P.O. seeks permission to file affidavit in reply of respondent No.1 by undertaking to deposit the costs amount of Rs.2000/- tomorrow. Allowed to file affidavit-in-reply.

3. S.O. to 16.12.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 300 OF 2022
(Dr. Santosh R. Kote Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.397 OF 2022
(Prajakta D. Khairnar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Smt. Premila Giri, learned Advocate holding for Smt. Pratibha J. Bharad, learned Advocate for the applicants in both the O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both the O.As.

2. Record shows that last chance was already granted to respondents to file affidavit-in-reply.
3. Learned C.P.O. submits that the M.P.S.C. has already prepared the affidavit-in-reply and the same is in transit and therefore he seeks short time to file reply. Short time is granted.
4. S.O. to 01.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**M.A.NO.340 OF 2022 IN O.A.NO.588 OF 2022
WITH
M.A.NO.341 OF 2022 IN O.A.NO.589 OF 2022
WITH
M.A.NO.342 OF 2022 IN O.A.NO.590 OF 2022
WITH
M.A.NO.343 OF 2022 IN O.A.NO.591 OF 2022
WITH
M.A.NO.344 OF 2022 IN O.A.NO.592 OF 2022
(Ramesh M. Chavan & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri A.V. Lavte, learned Advocate for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these matters.

2. Affidavit-in-rejoinder filed by the applicants is taken on record and copy thereof has been served on the other side.

3. The matters are pertaining to departmental enquiry. The same are admitted and fixed for hearing at the stage of admission.

4. S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 761 OF 2019
(Vitthal G. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri Siddharth Shinde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 08.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 596 OF 2021
(Uday H. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri Yogesh P. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned P.O. submits that he would supply the copy of affidavit in reply to other side.

3. At the request of the learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder.

4. S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 734 OF 2021
(Ganesh S. Panchal Vs. State of Maharashtra & Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri R.U. Khandare, learned Advocate holding for Shri M.L. Dharashive, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of the respondent Nos.1 to 4 is taken on record and copy thereof has been served on the other side.
3. S.O. to 13.12.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 785 OF 2021
(Ashok N. Godbole Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

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

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

3. S.O. to 22.11.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 396 OF 2022
(Susrusha A. Wakale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit in reply.
3. S.O. to 12.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 885 OF 2022
(Chandrakant S. Nakhate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents submits that he would file affidavit-in-reply on behalf of respondent No.3 during the course of the day.

3. Learned P.O. seeks time for filing affidavit-in-reply on behalf of respondent Nos.1 & 2. Time granted.

4. S.O. to 20.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 899 OF 2022
(Hansraj R. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

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

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

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

4. S.O. to 20.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 900 OF 2022
(Navneet C. Jamnik Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

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

4. S.O. to 20.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 901 OF 2022
(Madhav V. Joshi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri R.K. Ashtekar, 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 service affidavit during the course of the day.
3. At the request of the learned P.O., time is granted for filing affidavit in reply.
4. S.O. to 20.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 925 OF 2022
(Vijaykumar P. Kulkarni & Ors. Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri R.R. Kakani, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

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

4. S.O. to 09.12.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.353/2021 IN M.A.ST.NO.1144 OF 2021
IN O.A.ST.1145/2021
(Ramkrushna D. Gore & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 to 3 and Shri D.T. Devane, learned Advocate for the respondent No.4.

2. Learned P.O. submits that the respondent Nos.1 & 2 are adopting the affidavit-in-reply filed on behalf of the respondent No.3.

3. S.O. to 10.12.2022 for filing affidavit in reply on behalf of the respondent No.4, if any and for filing affidavit-in-rejoinder by the applicant, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 701 OF 2018
(Dr. Santosh N. Kotule & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri G.M. Ghonhgade, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities. Shri V.V. Ingale, learned Advocate for the respondent Nos.5,8,19 & 22 and Shri U.P. Giri, learned Advocate for the respondent No.12, are **absent**.

2. At the request of the learned Advocate for the applicant, S.O. to 19.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 150 OF 2021
(Mayur P. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 19.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 146 OF 2020
(Ankush H. Manbhare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos.1 to 3 and Shri S.A. Deshmukh, learned Advocate for the respondent No.4.

2. By consent of all the parties, S.O. to 20.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A.NO.41 OF 2022 IN O.A.NO. 458 OF 2018
(Smt. Anita B. Kolgane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 09.01.2023.

MEMBER (A)

MEMBER (J)

C.P.NO.20 OF 2021 IN O.A.200 OF 2016
(Shaikh Rahim Shaikh Chand Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 09.11.2022

ORIGINAL APPLICATION NO. 934 OF 2019
(Madhukar K. Shingade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K.Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 20.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 431 OF 2020
(Purushottam G. Khule Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos.1 & 2 and Shri S.D. Joshi, learned Advocate for the respondent No.6. Shri S.P. Salgar, learned Advocate for the respondent Nos.3 to 5, is **absent**.

2. With the consent of both the sides, S.O. to 02.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 09.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 491 OF 2020
(Rajnikant D. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 21.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 490 OF 2020
(Vivek S. Sonawane Vs. State of Maharashtra & Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 21.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 246 OF 2021
(Pradeep B. Bramhane Vs. State of Maharashtra & Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 19.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 77 OF 2021
(Vishvanath H. Mahindrakar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 108 OF 2021
(Chhaya D. Saste @ Chhaya V. Kale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Shri Nitin V. Gaware, learned Advocate for the applicant and Shri Amol S. Sawant, learned Advocate for the respondent No.10, are **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri D.R. Adhav, learned Advocate for the respondent Nos.5 to 9.

2. In view of absence of learned Advocate for the applicant, S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 128 OF 2021
(Pradeep M. Thakkarwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Shri Ganesh V. Mohekar, 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 20.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 139 OF 2021
(Sunil R. Barse Vs. State of Maharashtra & Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities. Shri Vivek U. Rathod, learned Advocate for the respondent Nos.5 & 7, is **absent**.

2. At the request of the learned Advocate for the applicant, S.O. to 17.11.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 335 OF 2021
(Dyaneshwar B. Bulbule & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 404 OF 2017
(Ravindra R. Mungale Vs. State of Maharashtra & Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 09.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 784 OF 2021
(Raghunath L. Bhadke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 15.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 1387 OF 2000
(Prayagbai G. Ghule Vs. State of Maharashtra & Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 13.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 963 OF 2017
(Vasant D. Karke & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 14.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 67 OF 2018
(Dr. Mohd. Feroz Iqbal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 02.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 42 OF 2019
(Ramraje G. Pawar Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 43 OF 2019
(Sharad B. Tote Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.11.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicants in both the O.As., Shri M.P. Gude, learned Presenting Officer for the respondents in O.A.No.42/2019 and Shri V.R. Bhumkar, learned Advocate for the respondents in O.A.No.43/2019.

2. By consent of both the sides, S.O. to 16.11.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.326/2016
(Changdeo Sawant Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09-11-2022

ORAL ORDER :

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

2. S.O. to 07-12-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.355/2016
(Shaikh Jamil Fakir Saheb Vs. State of Maharashtra &
Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09-11-2022

ORAL ORDER :

Heard Shri V.D.Gunale, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents. Shri N.S.Kadam, learned Counsel for respondent nos.3 & 4 is **absent**.

2. S.O. to 12-12-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.482/2016
(Harshal Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

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

2. S.O. to 07-12-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.07/2017
(Shishirbaba Ghonmode Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09-11-2022

ORAL ORDER :

Smt. Surekha Mahajan, learned Advocate for the applicant is **absent**. Heard Shri N.U.Yadav, learned Presenting Officer for the respondents.

2. S.O. to 08-12-2022.

MEMBER (A)

MEMBER (J)

**Review No.08/2017 in O.A.NO.498/2013
(Shivraj Hawanna & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Heard Shri S.D.Joshi, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents.

2. S.O. to 06-12-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 09-11-2022

**ORIGINAL APPLICATION 103/2017 &
104/2017**
**(Navnath Matsagar & Vitthal Pawal Vs. State of
Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Heard Shri S.D.Joshi, learned Advocate for the applicants and Smt. M.S.Patni, learned Presenting Officer for the respondents.

2. S.O. to 06-12-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 09-11-2022

**ORIGINAL APPLICATION NO.191/2017
(Adikrao Mane Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

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

2. S.O. to 22-12-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.368/2021
(Nanda Paul & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 09-11-2022

ORAL ORDER :

Heard Shri K.G.Salunke, learned Counsel for the applicants and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities.

2. Arguments are partly heard.
3. Matter be placed for further consideration tomorrow i.e. on 10-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.371/2021
(Amresh Bombale Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Heard Shri A.D.Aghav, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities. Shri G.M.Shingare learned Counsel for respondent nos.2 to 4 is **absent**.

2. Arguments of learned Counsel for the applicant are heard. Zilla Parishad is contesting party in the matter, however, learned Counsel for Zilla Parishad is not present today. In the interest of justice, matter is adjourned for arguments of the said respondent.

3. S.O. to 17-11-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.388/2021
(Navnath Dhande Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

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. S.O. to 19-12-2022. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.411/2021
(Bharat Bhillare Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

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. S.O. to 19-12-2022. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

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

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

DATE : 09-11-2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19-12-2022. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.494/2021
(Dr. Dhananjay K. Sawant Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri J.S.Deshmukh, learned Counsel for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondent nos.1 to 3 and Shri Shamsundar B. Patil, learned Counsel for respondent no.4, are preset

2. Learned P.O. has tendered affidavit in reply on behalf of respondent nos.1 to 3. Same is taken on record.

3. S.O. to 23-11-2022 for further consideration.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

ORIGINAL APPLICATION NO.558/2021
(Prakash S. Aghav-Patil Vs. State of Maharashtra & Ors.)

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

DATE : 09-11-2022

ORAL ORDER :

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

2. S.O. to 13-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.610/2021
(Madhukar K. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri V.G.Pingle, learned Counsel for the applicant is **absent**. Shri S.K.Shirse, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 13-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.649/2021
(Janak B. Puri Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

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

2. S.O. to 20-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.402/2022
(Maroti C. Panchal Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri K.G.Salunke, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.784/2015
(Malappa Shendule Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri A.S.Khedkar, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.748/2017
(Parasram Sonawane Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri M.A.Manjramkar, learned Counsel for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.S.Bhuse, learned Counsel for respondent no.3, are present.

2. S.O. to 05-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.37/2019
(Chandrasen Bahure Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.350/2020, 351/2020 &
352/2020
(Ramraje Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri K.G.Salunke, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.137/2021
(Premnath Akangire Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.457/2021
(Sahil Kankal Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri M.R.Jamdhade, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.458/2021
(Mahendra Yangade Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri M.R.Jamdhade, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

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

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

DATE : 09-11-2022

ORAL ORDER :

Shri S.D.Dhongde, learned Counsel for the applicant has filed **leave note** on record. Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

ORIGINAL APPLICATION NO.487/2018
(Ramchandra Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 09-11-2022

ORAL ORDER :

Shri S.G.Kulkarni, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 31-10-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.688/2018
(Premnath Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri A.D.Gadekar, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.689/2018
(Prakash Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

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

2. S.O. to 12-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

ORIGINAL APPLICATION NO.781/2018
(Suryakant Garude & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 09-11-2022

ORAL ORDER :

Shri J.B.Choudhary, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

ORIGINAL APPLICATION NO.926/2018
(Kishan Solunke & Patil Vs. State of Maharashtra & Ors.)

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

DATE : 09-11-2022

ORAL ORDER :

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

2. S.O. to 08-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.488/2019
(Shaikh Ajmal Shaikh Abdulla Vs. State of Maharashtra &
Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri Joshi, learned Counsel holding for Shri Kunal A. Kale, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

ORIGINAL APPLICATION NO.819/2019
(Kalim Safdar Shiklidar Vs. State of Maharashtra & Ors.)

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

DATE : 09-11-2022

ORAL ORDER :

Shri Sabahat Kazi, learned Counsel for the applicant is **absent**. Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 13-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.70/2020
(Shaikh Hamed Dadamiyan Vs. State of Maharashtra &
Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri S.D.Dhongde, learned Counsel for the applicant has filed **leave note** on record. Shri I.S.Thorat, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 08-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

ORIGINAL APPLICATION NO.514/2020
(Kamlakar Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 09-11-2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

ORIGINAL APPLICATION NO.545/2020
(Dayanand Rajgire Vs. State of Maharashtra & Ors.)

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

DATE : 09-11-2022

ORAL ORDER :

Shri Ashish Rajkar, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.580/2020
(Dr. Sunita Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

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

2. S.O. to 10-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.206/2021
(Deepak Aher & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri S.B.Solanke, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.296/2021
(Rekhabai Bahiram Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri B.K.Patil, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 01-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

**ORIGINAL APPLICATION NO.353/2021
(Sunil Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 09-11-2022

ORAL ORDER :

Shri S.S.Tandale, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 09.11.2022

ORIGINAL APPLICATION NO. 813 OF 2021
(Gayatri H. Katore Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 01.12.2022 for filing rejoinder affidavit by the applicant.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 38 OF 2022
(Dilip B. Bharaskar Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 07.12.2022 as a final chance for filing rejoinder affidavit by the applicant.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

ORIGINAL APPLICATION NO. 83 OF 2022
(Jitendra D. Gurav Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri S.N. Suryawanshi, learned Counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 5. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 07.12.2022 for filing rejoinder affidavit, if any by the applicant.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 238 OF 2022
(Rajabai R. Kawadikar Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

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

2. S.O. to 05.12.2022 for filing affidavit in reply on behalf of respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 239 OF 2022
(Surajkumar N. Vanje Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

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

2. S.O. to 05.12.2022 for filing affidavit in reply on behalf of respondents.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

ORIGINAL APPLICATION NO. 355 OF 2022
(Basveshwar J. Warad Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri P.P. Dama, learned Counsel for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Advocate for respondent No. 4, are present.

2. S.O. to 06.12.2022 for filing affidavit in reply on behalf of respondents.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

ORIGINAL APPLICATION NO. 478 OF 2022
(Deepak A. Mudiraj Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

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. S.O. to 06.12.2022 for filing affidavit in reply on behalf of respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 481 OF 2022
(Dhanwantsing H. Saini Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri S.D. Joshi, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 06.12.2022 for filing rejoinder affidavit by the applicant.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 570 OF 2022
(Rajaram J. Sathe Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

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 tendered across the bar affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 06.12.2022 for filing rejoinder affidavit by the applicant.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

ORIGINAL APPLICATION NO. 575 OF 2022
(Yayati T. Ghorband Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

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

2. S.O. to 08.12.2022 for filing affidavit in reply on behalf of respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 576 OF 2022
(Subhash H. Puri Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

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

2. Await service of notice upon respondent No. 3.

3. S.O. to 08.12.2022 for filing affidavit in reply on behalf of respondents.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

ORIGINAL APPLICATION NO. 584 OF 2022
(Balaji T. Kedare Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri Avinash Deshmukh, learned Counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 08.12.2022 for filing rejoinder affidavit by the applicant.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

ORIGINAL APPLICATION NO. 593 OF 2022
(Shaikh Zubair Shaikh Mehemood Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri S.B. Solanke, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. S.O. to 08.12.2022 for filing affidavit in reply on behalf of respondents.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

ORIGINAL APPLICATION NO. 612 OF 2022
(Vishwanath M. Tondewad Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

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

2. S.O. to 08.12.2022 for filing affidavit in reply on behalf of respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 662 OF 2022
(Rajayya Parasayya Mukulwar Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri Avinash Deshmukh, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 4. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 06.12.2022 for filing affidavit in reply on behalf of other respondents.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

ORIGINAL APPLICATION NO. 897 OF 2022
(Dr. Narayan K. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

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

2. Await service.
3. S.O. to 14.12.2022.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

ORIGINAL APPLICATION NO. 898 OF 2022
(Dr. Sangita P. Khandare Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri S.B. Patil, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 14.12.2022.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

M.A. No. 310/2020 in O.A. St. No. 2061/2019
(Jagdish K. Mahendrakar Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

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

2. Await service.
3. S.O. to 19.12.2022.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

M.A. No. 102/2021 in O.A. St. No. 458/2021
(Ashok N. Jire Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri N.P. Dube, learned Counsel for the applicant
(**Absent**). Shri M.S. Mahajan, learned Chief Presenting
Officer for the respondents, is present.

2. S.O. to 20.12.2022 for filing rejoinder affidavit by
the applicant.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

M.A. No. 217/2021 in O.A. St. No. 598/2021
(Vitthal S. Lokhande & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

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

2. S.O. to 13.12.2022 for filing affidavit in reply on behalf of respondents in M.A.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

M.A. No. 280/2022 in O.A. St. No. 435/2022
(Vednat V. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri V.G. Salgare, learned Counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. S.O. to 13.12.2022 for filing affidavit in reply on behalf of respondents in M.A.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

M.A. No. 291/2022 in O.A. St. No. 1070/2022
(Karima Begum Shakh Daud Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri S.B. Solanke, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 14.12.2022 for filing affidavit in reply on behalf of respondents in M.A.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

M.A. No. 292/2022 in O.A. St. No. 1116/2022
(Shaikh Imran Shaikh Ahmed Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

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

2. S.O. to 14.12.2022 for filing affidavit in reply on behalf of respondents in M.A.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

M.A. No. 358/2022 in O.A. St. No. 1093/2022
(Shriram G. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri S.D. Joshi, learned Counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned Counsel for respondent Nos. 3 & 4, are present.

2. Await service.

3. S.O. to 13.12.2022.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

M.A. No. 368/2022 in O.A. St. No. 307/2022
(Jaydatt R. Bhusare Vs. State of Maharashtra & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri B.B. Kulkarn, learned Counsel for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. Notices not obtained / collected.

3. S.O. to 16.12.2022.

VICE CHAIRMAN

KPB ORAL ORDERS 09.11.2022

ORIGINAL APPLICATION NO. 714 OF 2022
(Vishwanath S/o. Baburao Nath Vs. State of Maha. & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Heard Shri Kiran G. Salunke, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri J.B. Choudhary, learned counsel for respondent No. 2.

2. The applicant has filed the present Original Application challenging the order dated 5.8.2022 by which respondent No. 1 has cancelled the earlier order dated 29.7.2022 issued in favour of the applicant whereby he was given the additional charge of the post of Managing Director, Soil & Water Conservation Corporation, Aurangabad.

3. Shri Salunke, learned counsel appearing for the applicant has assailed the impugned order on various grounds. Learned counsel invited my attention to the Government Circular dated 5.9.2018, which lays down the guidelines in the matter of handing over the charge of any other post in addition to his existing post. Reading out clause 2 of the said circular, learned counsel argued that

on all criterias mentioned therein, the applicant is more suitable candidate than respondent No. 2 for handing over the additional charge of the subject post.

4. Learned counsel further submitted that as laid down in the said circular two aspects are more important; first the seniority of the officer and second the preference to the officer who is working in the same administrative region. Learned counsel submitted that since the applicant was Additional Commissioner in the region of Aurangabad he was preferable candidate for holding such charge and accordingly such charge was given to him vide order dated 29.7.2022. Learned counsel submitted that if the criteria of seniority is applied even then the applicant will have better claim than respondent No. 2 since he is senior to respondent No. 2. Learned counsel invited my attention to the provisional seniority lists, which are placed on record and referring to them pointed out that in all those provisional seniority lists the applicant is shown senior to respondent No. 2.

5. Learned counsel further submitted that in spite of having better claim the impugned order has been passed and the charge with the applicant has been withdrawn by the respondents with a political motive. Learned counsel submitted that a farce has been created that departmental enquiry is proposed against the applicant and, as such, it may not be proper to handover the additional charge of the post of Managing Director, Soil & Water Conservation Corporation, Aurangabad to him. Learned counsel submitted that earlier also the applicant was victimized by such method. However, ultimately he was exonerated from all the charges leveled against him. Learned counsel submitted that though the respondents have now come out with the case that the charge-sheet has been issued and departmental enquiry has been initiated, everything is after thought and with an object to deprive the applicant from getting the additional charge of the post of Managing Director, Soil & Water Conservation Corporation. Learned counsel in the circumstances, prayed for setting aside the impugned order and to restore the order dated 29.7.2022.

6. Shri M.P. Gude, learned Presenting Officer appearing for the respondent authorities submitted that having regard to the guidelines laid down in the Circular dated 5.9.2018 the decision has been taken to withdraw the additional charge given to the applicant and to hand it over to respondent No. 2. Learned P.O. submitted that as per the respondents, respondent No. 2 is senior most officer in the concerned cadre and thus, has due claim for his appointment or for handing him over the additional charge of the post of Managing Director, Soil & Water Conservation Corporation. Learned P.O. submitted that second important reason for passing impugned order is that there are serious allegations against the applicant and the departmental enquiry has now been initiated against him. Learned P.O. pointed out that in the Circular dated 5.9.2018 vide clause 4 thereof, it has been laid down that officer against whom the departmental enquiry is pending shall not be considered for giving additional charge of the higher post. Learned P.O. has tendered across the bar copy of the memorandum of charge dated 14.10.2022 along with the statement of charge, the witness list, as well as, list of documents

on the basis of which the enquiry is to be conducted against the applicant. Receipt showing service of the said memorandum of charge and the statement of charge on the applicant is also annexed along with the documents. These documents are taken on record. Learned P.O. submitted that in view of the aforesaid facts no case is made out by the applicant for cancellation of the impugned order and restoration of the order dated 29.7.2022.

7. Shri J.B. Choudhary, learned counsel appearing for respondent No. 2 submitted that respondent No. 2 was already holding the additional charge of the post of Managing Director, Soil & Water Conservation Corporation and suddenly vide order dated 29.7.2022, it was directed to be handed over to the applicant. Learned counsel further submitted that having regard to the guidelines laid down in Circular dated 15.9.2018, respondent No. 2 definitely has better claim than the applicant. Learned counsel submitted that respondent No. 2 has received the promotion to the post of Chief Engineer prior to the applicant and, as such, insofar as the feeder cadre for providing additional charge is

concerned, respondent No. 2 is definitely senior to the applicant. Learned counsel for the applicant was prompt in pointing out that at the relevant time since departmental enquiry proceedings were pending, the promotion order was not issued in favour of the applicant, however, subsequently the request has been made by the applicant for granting him deemed date of promotion in the said cadre from the date respondent No. 2 was promoted.

8. Shri J.B. Choudhary, learned counsel for respondent No. 2 further submitted that if the criteria of experience is applied, respondent No. 2 is having more experience of holding additional charge of the post of Managing Director, Soil & Water Conservation Corporation since he had already held the said charge for 2 years and 11 months. Learned counsel further submitted that to keep or to handover the additional charge of any post to any officer is prerogative of the in-charge of the department and by considering various factors the decision is being taken in that regard. Again inviting my attention to the guidelines in the Circular dated 5.9.2018, learned counsel justified

appointment of respondent No. 2, whereby he has been given the additional charge of the post of Managing Director, Soil & Water Conservation Corporation. Learned counsel further submitted that it has now come on record that the D.E. has been initiated against the applicant and if the applicant is again handed over the additional charge of the post of Managing Director, Soil & Water Conservation Corporation then there is an apprehension that applicant may pressurize witnesses not to depose against him or to depose in his favour. Learned counsel submitted that in such circumstances, the respondent authorities have taken appropriate decision of handing over the additional charge of the post of Managing Director, Soil & Water Conservation Corporation to respondent No. 2 and no interference is required in the order so passed. Learned counsel, therefore, prayed for dismissal of the O.A.

9. I have carefully considered the submissions advanced on behalf of the applicant, respondent authorities and respondent No. 2.

10. The entire thrust of the applicant is on the Government Circular dated 5.9.2018. I deem it appropriate to reproduce the relevant clauses i.e. clause Nos. 2 to 5 of the said Circular as it is in vernacular.

“२) अतिरिक्त कार्यभार दिलेला अधिकारी/कर्मचारी, त्याच्या मूळ पदाच्या कर्तव्य व जबाबदारीसह, त्याच्यावर अतिरिक्त कार्यभार सोपवलेल्या पदाची कर्तव्ये व जबाबदा-या पार पाडू शकेल याची संबंधितांनी खातरजमा करावी.

३) प्रशासकीय सोय व निकड लक्षात घेऊन, प्रशासकीय विभागाच्या अधिपत्याखालील कार्यालयातील रिक्त पदाचा अतिरिक्त कार्यभार देण्याकरिता, वरील (१) नुसार, त्याच कार्यालयात अधिकारी/कर्मचारी उपलब्ध नसतील अशा वेळी, प्रशासकीय विभागास त्यांच्या अधिपत्याखालील अन्य कार्यालयातील त्याच संवर्गातील सेवाजेष्ठ व अनुभवी अधिकारी/कर्मचा-यांचा विचार करता येईल. तसेच, जेथे एका जिल्हयात एकच कार्यालय असेल अशावेळी लागून असलेल्या जिल्हयाच्या कार्यालयातील अधिकारी / कर्मचा-यांना अतिरिक्त कार्यभार देण्याबाबत विचार करता येईल. तथापि, असे करताना, अतिरिक्त कार्यभार दिलेला अधिकारी/कर्मचारी, त्याच्या मूळ पदाच्या कर्तव्य व जबाबदारीसह त्या पदाची कर्तव्ये व जबाबदा-या पार पाडू शकेल याची संबंधितांनी खातरजमा करावी.

४) विभागीय चौकशी सुरु असलेल्या अधिकारी/कर्मचा-यांस अतिरिक्त कार्यभार दिल्यामुळे त्याच्या स्वतःच्या विभागीय चौकशीवर प्रभाव पडण्याची वा विभागीय चौकशीमध्ये अडथळा आणण्याची शक्यता असल्यास, अशा अधिकारी / कर्मचा-यांना अतिरिक्त कार्यभार देण्यात येऊ नये.

५) अतिरिक्त कार्यभार दिलेले रिक्त पद तातडीने भरण्याची कार्यवाही संबंधित प्रशासकीय विभागाने करावी.”

11. It is true that the applicant is working in the same region of which the charge of post of Managing Director, Soil & Water Conservation Corporation has

been withdrawn from him vide the impugned order. Earlier to the applicant, respondent No. 2 was admittedly holding the additional charge of the said post who is working as Additional Commissioner in Pune region. Insofar as arguments are advanced in respect of seniority I may not indulge in making more discussion in that regard since provisional seniority lists have not yet been finalized and the final seniority list published on 1.1.2021 has been subsequently cancelled. However, according to me the reason which has been assigned by the respondent No. 1 in his affidavit in reply that there are allegations of misconduct against the applicant and proposal for initiating departmental enquiry against the applicant was pending at the relevant time needs to be considered at it assumes more importance.

12. During the course of the arguments, learned counsel for respondent No. 2 had attracted my attention to the minutes of the meeting of the DPC held on 2.8.2022, which are there as Annexure 'R-6'. The said minutes of meeting reveal that some complaints were received in respect of the order

dated 29.7.2022 whereby the additional charge of the post of Managing Director was handed over to the applicant. The said minutes further reveal that on 8.3.2021 the applicant had issued the e-tender for the work worth Rs. 636-53 Crores without following due procedure and in that respect the decision was taken to conduct departmental enquiry against him. Today, learned P.O. has tendered the documents on record which reveal that the memorandum of charge with the statement of charge with all annexures annexed thereto has been served upon the applicant. In the minutes of the meeting an apprehension is expressed that the enquiry proceedings initiated against the applicant are likely to be influenced by the applicant if the additional charge of the post of Managing Director is retained with him.

13. After having considered the facts as aforesaid more particularly in light of clause 4 of the Government Circular dated 5.9.2018 it does not appear to me that the respondents have committed any illegality in withdrawing the additional charge of the post of Managing Director from the applicant

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and handing it over to respondent No. 2. I, therefore, see no merit in the present Original Application so filed by the applicant. In the result the following order is passed: -

ORDER

The present Original Application stands dismissed however, without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 09.11.2022-HDD

ORIGINAL APPLICATION NO. 99 OF 2018
(Sanjay R. Patange Vs. State of Maha. & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri Ajay Deshpande, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.11.2022.

VICE CHAIRMAN

ORAL ORDERS 09.11.2022-HDD

**ORIGINAL APPLICATION NO. 35 OF 2021
(Shaikh Mohammad Vs. State of Maha. & Ors.)**

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

DATE : 09.11.2022

ORAL ORDER :

Shri Mohit R. Deshmukh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 11.11.2022.

VICE CHAIRMAN

ORAL ORDERS 09.11.2022-HDD

ORIGINAL APPLICATION NO. 613 OF 2021
(Digambar Ramrao Deshpande Vs. State of Maha. & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri S.S. Jadhavar, learned counsel for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 17.11.2022.

VICE CHAIRMAN

ORAL ORDERS 09.11.2022-HDD

ORIGINAL APPLICATION NO. 74 OF 2022
(Siddiqui Mohd. Vs. State of Maha. & Ors.)

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

DATE : 09.11.2022

ORAL ORDER :

Shri S.D. Munde, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. S.O. to 6.12.2022.

VICE CHAIRMAN

ORAL ORDERS 09.11.2022-HDD