#### ORIGINAL APPLICATION NO. 23/2022 (Shri Samadhan Balchand Rathod Vs. State of Maharashtra & Ors.)

## <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

## <u>DATE</u> : 9.12.2022 <u>ORAL ORDER</u> :

Heard Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. The applicant has filed the present Original Application claiming interest on the amounts of Gratuity, Leave Encashment, Commutation Value of Pension on account of delay, which has occurred in remittance of such payments by the respondent State.

3. The applicant retired on attaining the age of superannuation on 31.1.2011. It is not in dispute that on the date of his retirement Criminal Prosecution was pending against him for the offences punishable under Prevention of Corruption Act. Vide judgment delivered by the Special Court the applicant got acquitted from the said criminal case on 19.11.2011. In the year 2012 the applicant made an application seeking release of the retiral benefits. However, instead of making payment of the said respondents amounts the initiated а Departmental Enquiry against the applicant in the year

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2013. The said enquiry was concluded on 13.1.2015. Punishment of monthly deduction of Rs. 100/- from the pension amount was imposed upon the applicant. The said order was challenged by the applicant before this Tribunal by filing Original Application No. 173/2015. The said O.A. came to be decided on 24.6.2016 and this Tribunal was pleased to set aside the said punishment. Consequential reliefs were also granted by the Tribunal. Even thereafter when the payable benefits were not released in favour of the applicant he was constrained to file Contempt Petition in the year 2017 and it was disposed of on 20.4.2017.

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4. It is the further case of the applicant that despite his acquittal from the criminal case and setting aside the order of punishment imposed upon him in the DE by this Tribunal. the amounts of Gratuity, Leave Encashment and Commutation Value of Pension etc. were not released within the reasonable period by the respondents. In the circumstances, relying on the judgment of the Division Bench of the Hon'ble Bombay High Court in the case of Vinodkumar Narayan Dixit Vs. the State of Maharashtra, Writ Petition No. 12966/2017, decided on 3.4.2018, the learned counsel for the applicant has prayed for allowing the present application thereby directing the respondents to pay

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interest on the amounts of Gratuity, Leave Encashment and Commutation Value of Pension from the date after expiry of 3 months' period from his retirement till the date of actual payment at the rate of 18% per annum. The applicant has also claimed interest on arrears of salary and on the amount of revised gratuity.

5. The claim of the applicant is opposed by the respondents on various grounds. The learned Presenting Officer submitted that it is not that payable amounts were withheld without any reason or with any mala-fide intention. It is argued that since the proceedings were going on against the applicant, unless said proceedings are culminated in favour of the applicant, even the applicant could not have claimed said amounts. In the circumstances, according to the learned PO, demand for interest is liable to be rejected.

6. I have duly considered the submissions advanced on behalf of the applicant and the respondents. First I will consider the benefits payable to the retired Government employee by way of Gratuity, Leave Encashment and Commutation Value of Pension. Insofar as remittance of amount of Gratuity and Leave Encashment is concerned, the applicant was apparently entitled to receive the said amounts within 3 months

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after the judgment of acquittal was delivered in the Criminal Case against the applicant. It is not in dispute that the applicant got acquitted from Criminal Case on 19.11.2011. Amount of Gratuity was paid to him on 20.7.2015, whereas leave encashment was paid on 18.4.2015. The respondents have taken a stand that though the applicant was acquitted in the Criminal Case, DE was initiated against him and same was pending. However, the stand so taken by the respondents is liable to be struck down in view of the judgment delivered by the Hon'ble High Court in the case of Vinodkumar Narayan Dixit Vs. the State of Maharashtra (cited supra). As held by the Hon'ble Division Bench the acquittal recorded in the Criminal Case would make the Government employee entitled for the interest on the payment of Gratuity beyond period of 3 months of his retirement. In view thereof I hold the applicant entitled for interest at the rate of 8% per annum on the aforesaid amounts from 1.4.2011 till its actual realization.

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7. Now the question what about the finalization of amount of Pension and depending upon that Commutation Value of Pension ? According to the submissions made by the learned PO the said issue came to be decided in O.A. No. 173/2015 by this

#### ::-5-:: **O.A. NO. 23/2022**

Tribunal on 24.6.2016. The learned PO pointed out that after passing of this judgment by the Tribunal the respondents have paid the arrears of difference of salary for the suspension period on 10.4.2017 i.e. within the reasonable period and as such, the applicant is not entitled for any interest on that amount.

8. I am however not convinced with the submissions so made on behalf of the respondents. In the judgment in O.A. No. 173/2015 this Tribunal has recorded clear findings that after the applicant was acquitted from the Criminal Case, it was unnecessary on part of the respondents to conduct DE against the applicant that too after his retirement. This Tribunal has also criticized the attitude of the respondents in imposing punishment and withholding the retirement benefits. Ultimately, this Tribunal has set aside all those orders.

9. In the above circumstances, it appears to me that the applicant is entitled to receive the interest on the said amounts also at the rate of 8% per annum from the date the said amounts become payable till the date of payment. The respondents are directed to calculate the interest amount as aforesaid and remit payable amount to the applicant within 12 weeks from the date of this order.

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10. The Original Application stands allowed in the aforesaid terms, however, without any order as to costs.

ARJ ORAL ORDER 9.12.2022

#### ORIGINAL APPLICATION NO. 479/2019 (Khobraji Bele Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

## <u>DATE</u> : 9.12.2022 <u>ORAL ORDER</u> :

Shri NR Thorat, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 16.1.2023 for hearing.

ARJ ORAL ORDER 9.12.2022

#### M.A. NO. 440/2022 IN O.A. NO. 314/2021 (Govind Jadhav & Ors. Vs. State of Maharashtra & Ors.)

## <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

## <u>DATE</u> : 9.12.2022 <u>ORAL ORDER</u> :

Ms. Anagha Pandit, learned counsel holding for Shri SB Talekar, learned counsel for the applicants and Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 17.1.2023 for hearing.

ARJ ORAL ORDER 9.12.2022

#### ORIGINAL APPLICATION NO. 620/2018 (Baban Gadekar Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

# <u>DATE</u> : 9.12.2022 <u>ORAL ORDER</u> :

Shri VM Maney, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.1.2023 for final hearing.

ARJ ORAL ORDER 9.12.2022

O.A. NO. 858/2018, O.A. NOS. 86, 118, 278, 421 ALL OF 2019, O.A. NOS. 392, 394, 395, 398 ALL OF 2020 AND O.A. NO. 173/2021 (Shri Sudhakar D. Patl & Ors. Vs. State of Maharashtra & Ors.)

## <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

## <u>DATE</u> : 9.12.2022 ORAL ORDER :

S/shri JB Choudhary, S.D. Dhongde & G.N. Patil, learned counsel for the applicants in respective matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. S.O. to 22.12.2022 for passing appropriate orders.

ARJ ORAL ORDER 9.12.2022

#### ORIGINAL APPLICATION NO. 75/2020 (Jitendra Sarde Vs. State of Maharashtra & Ors.)

## <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

# <u>DATE</u> : 9.12.2022 <u>ORAL ORDER</u> :

Shri KB Bhise, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel for the applicant submits that along with Annex. A-1 relevant page has not been annexed. He intends to file the same and therefore has sought leave. Leave granted as prayed for.

3. S.O. to 21.12.2022 for final hearing.

### VICE CHAIRMAN

ARJ ORAL ORDER 9.12.2022

# ORIGINAL APPLICATION NO. 359/2021 (Hajrabee @ Nurbee Sk. Nijam Vs. State of Maharashtra & Ors.)

## <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

## <u>DATE</u> : 9.12.2022 <u>ORAL ORDER</u> :

Shri RV Gore, learned counsel for the applicant, Shri NU Yadav, learned Presenting Officer for the respondent authorities, Shri DT Devane, learned counsel for respondent nos. 2 to 4 and Shri Abed M. Pathan, learned counsel for respondent no. 7, are present.

2. S.O. to 5.1.2023 for final hearing.

ARJ ORAL ORDER 9.12.2022

#### ORIGINAL APPLICATION NO. 496/2020 (Mohd. Akif Abrar Mohd. Abul Rauf Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

## <u>DATE</u> : 9.12.2022 <u>ORAL ORDER</u> :

Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.1.2023 for final hearing.

ARJ ORAL ORDER 9.12.2022

#### ORIGINAL APPLICATION NO. 531/2020 (Manik Chavan Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

# <u>DATE</u> : 9.12.2022 <u>ORAL ORDER</u> :

Shri Avinash Deshmukh, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.1.2023 for final hearing.

ARJ ORAL ORDER 9.12.2022

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

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

# <u>DATE</u> : 9.12.2022 <u>ORAL ORDER</u> :

Shri JS Deshmukh, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21.12.2022 for final hearing.

ARJ ORAL ORDER 9.12.2022

#### O.A. NOS. 70, 71 AND 72 ALL OF 2022 (Ramkisan Mante & Ors. Vs. State of Maharashtra & Ors.)

## <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

## <u>DATE</u> : 9.12.2022 <u>ORAL ORDER</u> :

Shri VG Pingle, learned counsel holding for Shri VB Wagh, learned counsel for the applicants in all these matters and Shri MP Gude, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. S.O. to 16.12.2022 for final hearing.

ARJ ORAL ORDER 9.12.2022

### ORIGINAL APPLICATION NO.43/2020 (Baliram M. Malhare Vs. State of Maharashtra & Ors.)

## <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

# DATE : 09-12-2022

# **ORAL ORDER** :

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

- 2. None appears for the applicant.
- 3. S.O. to 27-01-2023.

YUK ORAL ORDER 09.12.2022

#### ORIGINAL APPLICATION NO.640/2019 (Pradeep Madhavrao Kaushike Vs. State of Maharashtra & Ors.)

## <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

## **DATE** : 09-12-2022

## **ORAL ORDER** :

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

2. The grievance of the applicant is that though the applicant was entitled to receive the increments which fell due on first of July of the year of his retirement i.e. on 01-07-2018, same has not been granted to him on the ground that he retired after attaining age of superannuation on 30-06-2018. Learned Counsel for the applicant submitted that representation was made by the applicant raising aforesaid grievance with the respondent authorities, however, since no decision was taken by the authorities within the period of 6 months, the applicant has approached this Tribunal with the aforesaid grievance. The applicant has prayed for allowing the O.A. thereby directing the respondents to grant him annual increment which fell due on

# =2= O.A.NO.640/2019

01-07-2018 when he retired one day earlier i.e. on 30-06-2018.

3. This issue is no more res-integra and this Tribunal has decided several matters for the relief as has been claimed in the present O.A. In the circumstances, without making any detail discussion, I deem it appropriate to allow the present O.A. with the following order:

## <u>ORDER</u>

[i] The Original Application is allowed.

[ii] The applicant is held entitled for increment due on 1<sup>st</sup> July, 2018. It shall be reckoned with for the purpose of pension and gratuity and other retiral benefits subject to rider that the applicants would be entitled to arrears of monetary benefits for the period of three years only preceding the date of filing Original Application.

[iii] The respondents are directed to make payment of arrears accordingly within three months from today and also to ensure that revised pension is paid accordingly.

[iv] No order as to costs.

#### #ORIGINAL APPLICATION NO.67/2020 (Bansi Ganpatrao Bangar Vs. State of Maharashtra & Ors.)

## <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

## **DATE** : 09-12-2022

#### **ORAL ORDER :**

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

2. When the present matter is taken up for consideration Shri N.U.Yadav. learned P.O. appearing for the respondents in the present matter tendered communication dated 11-10-2022 revealing that the proposal for awarding pension and pensionary benefits has already been forwarded to A.G. Nagpur with all necessary particulars. Copy of the said communication is provided to the learned Counsel for the applicant.

3. On perusal of the aforesaid communication learned Counsel for the applicant fairly submitted that grievance of the applicant is redressed. Learned Counsel, however, made a request for

# =2= O.A.NO.67/2020

directing the respondent authorities to release the benefits within a particular time frame.

4. I find the request so made is worth consideration. Hence, the following order:

## 

[i] Respondent no.5 shall scrutinize the pension proposal of the present applicant within 8 weeks from the date of this order and communicate the decision accordingly to respondent no.4 as well as to all the concerned.

[ii] Respondent no.4 shall release the pension amount as well as admissible retiral benefits to the applicant within 6 weeks thereafter.

[iii] Original Application stands disposed of in the aforesaid terms without any order as to costs.

## VICE CHAIRMAN

YUK ORAL ORDER 09.12.2022

#### ORIGINAL APPLICATION NO.479/2020 (Nitin Ratikant Jadhav & Ors. Vs. State of Maharashtra & Ors.)

## <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

## **DATE** : 09-12-2022

## **ORAL ORDER**:

Heard Shri Vinod P. Patil, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Applicants are higher secondary teachers and are presently working in tribal areas. It is also the contention of the applicants that the said area is declared having influence of naxalites. It is not in dispute that according to the Government policy the Government employees who accept to work in tribal or naxalite affected areas are given incentive of one step promotional pay scale. The applicants were getting the said benefit upto August, 2020. Thereafter, the respondents have stopped paying the wages to the applicants by giving them benefit of one step promotional pay scale for the reason that they have been extended benefit of Assured Career Progression Scheme (ACPS). It is the grievance of the applicants that consolidated pay being received

### =2= O.A.NO.479/2020

to the applicants after grant of benefit of ACPS has resulted in decrease in the said amount. In the circumstances, the applicants have come out with a request that so long the applicants are working in the tribal areas respondents shall continue to pay the wages by giving existing benefit of one step promotional pay scale to them. Learned Counsel for the applicants submitted that as and when the applicants would come back to non-tribal areas obviously the said benefit will not be available to them and they will not claim the same.

3. Learned Counsel for the applicants has placed on record the judgment delivered by the Division Bench of the Hon'ble Bombay High Court Bench at Aurangabad in Writ Petition No.9643/2021 along with other Writ Petitions on 05-10-2021. Learned Counsel submitted that the identical issue was raised before the Hon'ble High Court in the said matters and the Hon'ble High Court accepted the plea of the petitioners therein and accordingly directed the Chief Executive Officer, Zilla Parishad, Nandurbar to continue to pay salaries of the petitioners therein at the rate at which they were

## =3= O.A.NO.479/2020

being paid prior to the filing of Writ Petition i.e. by applying one step promotional pay scale.

4. Though the respondents have opposed the request so made in their affidavit in reply, I see no justification in the contentions so raised in the affidavit in reply filed by the respondents. Prayer made by the applicants appears to be quite just and proper. If the monetary loss is being caused by making applicable the pay scale to these applicants by giving benefit of ACPS and if in such circumstances the applicants have requested to continue the earlier practice of paying them wages by giving benefit of one step promotional pay scale, the prayer so made in any way cannot be termed as unjust.

5. In the circumstances, I am inclined to allow the present O.A. with the following order:

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[i] The respondents shall continue to pay the salary to the present applicants as was being paid to them at the rate of one step promotional pay scale till the applicants serve in the tribal areas.

# =4= O.A.NO.479/2020

[ii] The arrears of salary difference from August,2020 shall be paid to the applicants within 12weeks from the date of this order.

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

YUK ORAL ORDER 09.12.2022

### DATE: 09.12.2022 ORIGINAL APPLICATION NO. 1108 OF 2022 (Rajendra T. Dawange Vs. The State of Maha.& Ors.)

#### <u>Per :- Standing directions of Hon'ble</u> <u>Chairperson, M.A.T., Mumbai-</u>

1. Shri K.B. Jadhav, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on **17.01.2023**. The case be listed for admission hearing on **17.01.2023**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

#### REGISTRAR

#### DATE: 09.12.2022 ORIGINAL APPLICATION NO. 1097 OF 2022 (Bhupendra A. Rathod Vs. The State of Maha.& Ors.)

#### <u>Per :- Standing directions of Hon'ble</u> <u>Chairperson, M.A.T., Mumbai-</u>

1. Shri S.G. Kulkarni, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on **05.01.2023**. The case be listed for admission hearing on **05.01.2023**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

#### REGISTRAR

#### DATE: 09.12.2022 ORIGINAL APPLICATION NO. 1098 OF 2022 (Dr. Kishor S. Agale Vs. The State of Maharashtra & Ors.)

#### <u>Per :- Standing directions of Hon'ble</u> <u>Chairperson, M.A.T., Mumbai-</u>

1. Shri N.L. Choudhari, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on **16.01.2023**. The case be listed for admission hearing on **16.01.2023**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

#### C.P. No. 27/2022 in O.A. No. 349/2022 (Sahebrao S. Pallewad Vs. State of Maharashtra & Ors.)

## <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

## **<u>DATE</u>** : 09.12.2022

## **ORAL ORDER** :

Shri Dhananjay Mane, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 05.01.2023.

**MEMBER (J)** 

#### C.P. No. 40/2022 in O.A. No. 1082/2019 (Naresh W. Sakpal Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

## **ORAL ORDER :**

Heard Shri S.A. Nimbalkar, learned Advocate holding for Shri Amol Gandhi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 20.12.2022.

**MEMBER (J)** 

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

## <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the

Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

# **ORAL ORDER** :

Heard Shri R.R. Kakani, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 09.01.2023.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 307 OF 2021 (Vaishali Kashinath Korde Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

#### **ORAL ORDER :**

Heard Shri J.S. Dehmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. On instructions learned Advocate for the applicant seeks permission to withdraw the present Original Application.

3. I have no reason to refuse the permission, when the withdrawal is unconditional. Hence, permission for withdrawal of the present Original Application is granted. The O.A. stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 254 OF 2022 (Sandip W. Khadse Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

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# **ORAL ORDER** :

Heard Shri A.W. Khadse, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 17.01.2023.

**MEMBER (J)** 

## **ORIGINAL APPLICATION NO. 1021 OF 2019** (Dr. Prashant D. Warkari Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) : 09.12.2022

# DATE

## **ORAL ORDER :**

A.S. Heard Shri Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 17.01.2023.

MEMBER (J)

### ORIGINAL APPLICATION NO. 636 OF 2021 (Vitthal S. Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

# **ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply jointly on behalf of respondent Nos. 2 and 3 and separately on behalf of respondent No. 1. Same are taken on record.

3. Learned Advocate for the applicant submits that he has already received copies of the above-said affidavits in reply and he would file rejoinder affidavit during the course of day.

4. S.O. to 17.01.2023 for admission.

**MEMBER (J)** 

### ORIGINAL APPLICATION NO. 459 OF 2022 (Suresh C. Kapate & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

# **ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Record shows that the matter was fixed for hearing without affidavit in reply of the respondents. The present matter is pertaining to reversion.

3. Learned Advocate for the applicants submits that the affidavit in reply of the respondents is necessary.

4. The respondents are directed to file affidavit in reply positively on or before the next date of hearing or else to produce the record.

5. S.O. to 17.01.2023 for hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 487 OF 2017 (Bhagwanrao J. Nagargoje Vs. State of Maharashtra & Ors.)

#### <u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# DATE : 09.12.2022

# **ORAL ORDER** :

Heard Shri I.D. Maniyar, learned Advocate holding for Shri A.N. Patale, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

3. S.O. to 13.01.2023 for admission.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 615 OF 2019 (Shafi Kassimsab Shaikh Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

# **ORAL ORDER :**

Shri A.P. Avhad, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1, 3 to 5.

3. S.O. to 13.01.2023.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 843 OF 2019 (Kailas V. Aghav Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

# **ORAL ORDER :**

Shri I.G. Durani, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Record shows that affidavit in reply is already filed on behalf of respondent Nos. 2 & 3.

3. Await service of notices upon the respondent Nos. 4 to 7.

4. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent No. 1.

5. S.O. to 16.01.2023.

MEMBER (J)

#### ORIGINAL APPLICATION NO. 857 OF 2019 (Bibhishan R. Chole Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

# \_\_\_\_

# ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submits that he applicant does not wish to file rejoinder affidavit.

3. S.O. to 13.01.2023 for admission.

**MEMBER (J)** 

#### O.A. Nos. 391/2022, 428/2022 & 429/2022 (Akash G. Garje & & Ors. Vs. State of Maharashtra & Ors.)

#### <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

# <u>DAIE</u> . 09.12.20

### **ORAL ORDER** :

Heard Shri M.S. Karad, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these O.As.

2. Record shows that the matters were fixed for hearing without affidavit in reply of the respondents. The present matters are pertaining to appointment.

3. Learned Advocate for the applicants submits that the affidavit in reply of the respondents is necessary.

4. The respondents are directed to file affidavit in reply positively on or before the next date of hearing or else to produce the record.

5. S.O. to 19.01.2023 for hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 866 OF 2019 (Santoshsing K. Rajput Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER** :

Heard Shri U.K. Ruparel, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 17.01.2023.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 947 OF 2019 (Dr. Anil R. Waghmare Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# DATE : 09.12.2022

#### **ORAL ORDER** :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted as one more last chance for filing rejoinder affidavit.

3. S.O. to 13.01.2023.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 1086 OF 2019 (Chintaman H. Vasave Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# <u>DATE</u> : 09.12.2022

### **ORAL ORDER** :

Heard Shri Ajay Deshpande, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned Advocate for respondent No. 3.

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

3. S.O. to 16.01.2023.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 9 OF 2020 (Dr. Anita R. Rathod Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

### <u>DAID</u> . 09.12.20

#### **ORAL ORDER** :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 07.02.2023.

**MEMBER (J)** 

#### O.A. No. 165/2021 with O.A. No. 680/2021 (Anil Y. Rokade & Anr. Vs. State of Maharashtra & Ors.)

#### <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

# <u>DAIE</u> . 09.12.20

### **ORAL ORDER** :

Heard Shri R.A. Joshi, learned Advocate for the applicants in both the O.As., Shri D.R. Patil, learned Presenting Officer for the respondent authorities in both the O.As. and Shri S.B. Patil, learned Advocate for respondent Nos. 2 and 3 in both the O.As.

2. Learned Advocate for the applicants submits that the applicants do not wish to file rejoinder affidavit in both the O.As.

3. S.O. to 17.01.2023 for admission.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 308 OF 2021 (Nita B. Magare Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

# **ORAL ORDER :**

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon respondent No. 1.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 2 & 3.

4. S.O. to 05.01.2023.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 569 OF 2021 (Jagannath M. Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

# **ORAL ORDER** :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

3. S.O. to 17.01.2023 for admission.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 812 OF 2022 (Rashtra Seva Arogya Karmachari Sanghatna Vs. State of Maharashtra & Ors.)

#### <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER :**

Heard Shri P.D. Jarare, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Chief Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 20.12.2022.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 849 OF 2022 (Ramesh B. Gawali Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

# **ORAL ORDER :**

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Chief Presenting Officer filed affidavit in reply on behalf of respondent Nos. 3 & 4. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 18.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 896 OF 2022 (Dr. Suryakant G. Nagshettiwar Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

# **ORAL ORDER** :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 18.01.2023.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 1026 OF 2022 (Dr. Pradeep V. Kandre Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

# **ORAL ORDER**:

Heard Shri S.B. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 18.01.2023.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 1027 OF 2022 (Dr. Sachin O. Khakare Vs. State of Maharashtra & Ors.)

#### <u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

# **ORAL ORDER** :

Heard Shri S.B. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 18.01.2023.

**MEMBER (J)** 

#### M.A. No. 449/2019 in O.A. St. 1490/2019 (Sunil M. Lagad Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench) DATE : 09.12.2022

# **ORAL ORDER :**

Heard Shri A.P. Sonpethkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted as one more last chance for filing rejoinder affidavit, if any.

3. S.O. to 13.01.2023.

**MEMBER (J)** 

#### M.A. No. 239/2021 in O.A. St. 366/2021 (Nandu D. Bhalerao Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER :**

Shri S.M. Pathan, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 12.01.2023.

MEMBER (J)

#### M.A. No. 286/2021 in O.A. St. 860/2021 (Pushpa S. Waghmode Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the

Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

# **ORAL ORDER**:

Heard Shri D.H. Jadhavar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 12.01.2023.

**MEMBER (J)** 

#### M.A. No. 315/2021 in O.A. St. 1338/2021 (Chandrashekhar S. Iyer Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER**:

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 13.01.2023 for filing rejoinder affidavit, if any in M.A.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 736 OF 2012 (Devidas R. Jadhav Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the

Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

# **ORAL ORDER** :

Shri Sudhir Patil, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. S.O. to 09.01.2023 for final hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 439 OF 2013 (Sakharam G. Choughule Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the

Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

# ORAL ORDER :

Shri Sagar Pandit, learned Advocate holding for Shri R.D. Khadap, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.01.2023 for final hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 476 OF 2016 (Ashvini P. Gange Vs. State of Maharashtra & Ors.)

Division Bench)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of

# DATE : 09.12.2022

#### **ORAL ORDER**:

Shri A.V. Patil (Indrale), learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 17.01.2023 for final hearing.

MEMBER (J)

# **ORIGINAL APPLICATION NO. 487 OF 2016**

(Mohammed Babar Akbar Siddiqui Vs. State of Maharashtra & Ors.)

# **<u>CORAM</u>** : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

# **ORAL ORDER** :

Shri Asif Ali, learned Advocate holding for Smt.

A.N. Ansari, learned Advocate for the applicant and

Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.01.2023 for final hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 588 OF 2016 (Dnyaneshwari M. Barse Vs. State of Maharashtra & Ors.)

#### <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the

Single Bench due to non-availability of Division Bench)

# <u>DATE</u> : 09.12.2022

# ORAL ORDER :

Shri R.B. Narwade Patil, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 17.01.2023 for final hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 626 OF 2016 (Savita U. Hake Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of

Division Bench)

# **<u>DATE</u>** : 09.12.2022

#### **ORAL ORDER** :

Shri Avinash Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.01.2023 for final hearing.

**MEMBER (J)** 

### ORIGINAL APPLICATION NO. 920 OF 2016 (Sunita M. Gabale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER :**

Shri A.V. Patil (Indrale), learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 17.01.2023 for final hearing.

**MEMBER (J)** 

#### O.A. No. 31/2017 with O.A. No. 159/2016 (Subhash R. Gutte Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

#### **ORAL ORDER** :

Shri A.V. Patil (Indrale), learned Advocate for the applicant in both the O.As. (**Absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities in both the O.As., is present.

2. S.O. to 17.01.2023 for final hearing.

**MEMBER (J)** 

#### O.A. Nos. 268, 269, 270 & 271 all of 2017 (Vishal w. Machave & Ors. Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER**:

Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in all these O.As. and Shri D.R. Patil, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. S.O. to 13.01.2023 for final hearing.

**MEMBER (J)** 

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

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

### **ORAL ORDER**:

Shri J.B. Choudhary, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.01.2023 for final hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 633 OF 2017 (Dr. Shivshankar C. Harlayya Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER** :

Shri S.A. Nimbalkar, learned Advocate holding for Shri Amol Gandhi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17.01.2023 for final hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 663 OF 2017 (Subhash M. Pakhale Vs. State of Maharashtra & Ors.)

# **<u>CORAM</u>** : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

# <u>DATE</u> : 09.12.2022

# **ORAL ORDER**:

Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.01.2023 for final hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 946 OF 2017 (Namdeo L. More Vs. State of Maharashtra & Ors.)

# **<u>CORAM</u>** : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

### **DATE** : 09.12.2022

#### **ORAL ORDER** :

Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.01.2023 for final hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 6 OF 2018 (Ganesh B. Kundle Vs. State of Maharashtra & Ors.)

# **<u>CORAM</u>** : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

# **ORAL ORDER**:

Shri Avinash Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.01.2023 for final hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 615 OF 2018 (Desai Timma Gaikwad Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of

Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER** :

Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.01.2023 for final hearing.

**MEMBER (J)** 

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

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER** :

Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri M.R. Wagh, learned Advocate for respondent No. 4, are present.

2. S.O. to 16.01.2023 for final hearing.

**MEMBER (J)** 

## **ORIGINAL APPLICATION NO. 141 OF 2019**

(Dr. Pandharinath S. Gawali & Ors. Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

# **ORAL ORDER** :

Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.01.2023 for final hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 281 OF 2019 (Prasad B. Deshmukh Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

## **DATE** : 09.12.2022

#### **ORAL ORDER** :

Shri D.T. Devane, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.01.2023 for final hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 316 OF 2019 (Shamlal C. Bhagure Vs. State of Maharashtra & Ors.)

#### <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the

Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

## **ORAL ORDER** :

Shri M.B. Karande, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 17.01.2023 for final hearing.

**MEMBER (J)** 

#### M.A. No. 498/2019 in O.A. St. No. 1959/2019 (Ramrao D. Rathod Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

#### **ORAL ORDER** :

Shri V.G. Pingle, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.01.2023 for final hearing.

**MEMBER (J)** 

#### M.A. No. 230/2020 in O.A. No. 325/2020 (Sandip B. Thakur Vs. State of Maharashtra & Ors.)

# **<u>CORAM</u>** : Hon'ble Shri V.D. Dongre, Member (J)

(This matter has been placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

## **ORAL ORDER** :

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

2. S.O. to 09.01.2023 for final hearing.

**MEMBER (J)** 

O.A. Nos. 445, 446, 447, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 494, 113 AND 114, ALL OF 2017, M.A. No. 325/2017 IN O.A. St. No. 941/2017, M.A. No. 36/2019 IN M.A. St. No. 82/2019 IN O.A.ST.NO.83/2019 and M.A. No. 144/2019 IN O.A. St. No. 400/2019 (Marathwada Van Va Samajik Vanikaran Rojandari Va Kayam Kamgar Karmachari Va Sarva Shramik Sanghatana, Beed & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter has been placed before the Single Bench due to non-availability of

# Division Bench)

# <u>DATE</u> : 09.12.2022

# **ORAL ORDER** :

Heard S/shri A.S. Shelke, S.S. Shinde & V.G. Pingle, learned Advocates for the respective applicants in respective cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. S.O. to 13.01.2023 for final hearing.

# **MEMBER (J)**

#### ORIGINAL APPLICATION NO. 263 OF 2021 (Dattatraya S. Haral Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

# **DATE** : 09.12.2022

# **ORAL ORDER** :

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

2. S.O. to 17.01.2023 for hearing.

KPB ORAL ORDERS 09.12.2022

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 572 OF 2022 (Naseeb Khan Maheboob Khan Singal Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

## **DATE** : 09.12.2022

#### **ORAL ORDER :**

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

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 19.01.2023.

KPB ORAL ORDERS 09.12.2022

# VICE CHAIRMAN

#### ORIGINAL APPLICATION NO. 611 OF 2022 (Sultana Begum Shaikh Gafoor Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

# **<u>DATE</u>** : 09.12.2022

# **ORAL ORDER** :

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

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 17.01.2023.

VICE CHAIRMAN

#### ORIGINAL APPLICATION NO. 615 OF 2022 (Kiran A. Jadhav Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

# **<u>DATE</u>** : 09.12.2022

# **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. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 17.01.2023.

KPB ORAL ORDERS 09.12.2022

# **VICE CHAIRMAN**

#### ORIGINAL APPLICATION NO. 622 OF 2022 (Sharda M. Pawar Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

# **<u>DATE</u>** : 09.12.2022

# **ORAL ORDER** :

Smt. Priya Bharaswadkar, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 21.12.2022.

KPB ORAL ORDERS 09.12.2022

# VICE CHAIRMAN

# ORIGINAL APPLICATION NO. 712 OF 2022 (Bapu S. Pathade Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

# **<u>DATE</u>** : 09.12.2022

#### **ORAL ORDER** :

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

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 23.01.2023.

VICE CHAIRMAN

# ORIGINAL APPLICATION NO. 713 OF 2022 (Gorakh D. Pathade Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

# **<u>DATE</u>** : 09.12.2022

## **ORAL ORDER** :

Ms. Preeti Wankhade, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 23.01.2023.

VICE CHAIRMAN

# ORIGINAL APPLICATION NO. 929 OF 2022 (Surekha V. Jadhav Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

# **<u>DATE</u>** : 09.12.2022

## **ORAL ORDER** :

Shri Harish Bali, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 23.01.2023.

KPB ORAL ORDERS 09.12.2022

# **VICE CHAIRMAN**

## M.A. No. 567/2019 in O.A. St. No. 2091/2019 (Baburao K. Kamble Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

# **<u>DATE</u>** : 09.12.2022

#### **ORAL ORDER** :

Shri R.D. Biradar, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Advocate for the applicant has sought time for filing rejoinder affidavit in M.A. Time granted.

3. S.O. to 24.01.2023.

VICE CHAIRMAN

# M.A. No. 139/2022 in O.A. St. No. 492/2022 (Vinod V. Bandale Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

# **<u>DATE</u>** : 09.12.2022

# **ORAL ORDER** :

Shri S.B. Jadhav, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present. Shri A.S. Reddy, learned counsel for respondent No. 3, **absent**.

2. Learned Advocate for the applicant has sought time for filing rejoinder affidavit in M.A. Time granted.

3. S.O. to 25.01.2023.

VICE CHAIRMAN

M.A. 177/2019 in M.A. 71/2018 in O.A. St. 103/2018 (Khaderao D. Musande Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

## **DATE** : 09.12.2022

#### **ORAL ORDER** :

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

2. Learned Advocate for the applicant has sought time for filing rejoinder affidavit in M.A. Time granted.

3. S.O. to 25.01.2023.

VICE CHAIRMAN

## M.A. No. 183/2022 in O.A. St. No. 2093/2019 (Rameswar N. Gupta Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

# **<u>DATE</u>** : 09.12.2022

## **ORAL ORDER** :

Shri R.D. Biradar, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Advocate for the applicant has sought time for filing rejoinder affidavit in M.A. Time granted.

3. S.O. to 24.01.2023.

KPB ORAL ORDERS 09.12.2022

# **VICE CHAIRMAN**

### MA 282/2022 in MA 100/2018 in OA St. 398/2018 (Vitthal D. Savalsure Vs. State of Maharashtra & Ors.)

# <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

# **<u>DATE</u>** : 09.12.2022

#### **ORAL ORDER** :

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

2. Learned Advocate for the applicant has sought time for filing rejoinder affidavit in M.A. Time granted.

3. S.O. to 25.01.2023.

VICE CHAIRMAN

# ORIGINAL APPLICATION NO. 845 OF 2017 (Rambhau L. Kuskar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER :**

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

2.

MEMBER (J)

#### ORIGINAL APPLICATION NO. 818 OF 2021 (Dr. Ashwini A. Patil Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER** :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri S.G. Kulkarni, learned Advocate for the respondent No.8, Shri Amol T. Jagtap, learned Advocate for the respondent No.9 and Shri A.H. Joshi, learned Advocate for the respondent No.7.

None present for respondent No.6.

2. S.O. to 13.01.2023 for hearing. Interim relief granted earlier to continue till then.

**MEMBER (J)** 

ORIGINAL APPLICATION NO. 520 OF 2021 (Varsha V. Kulkarni & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

#### **ORAL ORDER :**

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 05.01.2023 for hearing.

**MEMBER (J)** 

#### C.P.NO. 17 OF 2021 IN O.A.NO. 127 OF 2017 (Trimbak D. Tompe Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER :**

Shri V.P. Golewar, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O to 17.01.2023 for further consideration.

**MEMBER (J)** 

#### C.P.NO. 10 OF 2022 IN O.A.NO.191 OF 2021 (Sandip W. Khadse Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

## **ORAL ORDER** :

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

Shri M.D. Lonkar, learned Special Counsel for the respondents, is **absent**.

2. Affidavit in sur rejoinder filed on behalf of the respondent No.1 is taken on record.

3. S.O. to 04.01.2023 for hearing.

#### **MEMBER (J)**

### ORIGINAL APPLICATION NO. 797 OF 2016 (Gaurav A. Chavan Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

## **ORAL ORDER** :

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

2. S.O. to 05.01.2023 for hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 758 OF 2017 (Dadarao D. Boarade Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER** :

None present on behalf of the applicant.

Heard Shri N.U. Yadav, learned Presenting

Officer for the respondents.

- 2. Second set not filed.
- 3. S.O. to 10.01.2023 for hearing.

#### **MEMBER (J)**

#### ORIGINAL APPLICATION NO. 783 OF 2019 (Anil P. Chittarward Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER :**

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

2. S.O. to 07.03.2023 for hearing.

MEMBER (J)

#### ORIGINAL APPLICATION NO. 140 OF 2020 (Shrikant K. Bhale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER**:

Heard Shri H.A. Joshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 17.01.2023 for hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 287 OF 2020 (Shahu S. Jaswantsing S. Huzurasingh Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

(This matter is placed before the Single Bench due to non-availability of Division Bench)

# <u>DATE</u> : 09.12.2022

#### **ORAL ORDER** :

None present on behalf of the applicant.

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

2. S.O. to 18.01.2023 for hearing.

### **MEMBER (J)**

#### ORIGINAL APPLICATION NO. 590 OF 2020 (Ankush B. Patil Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

## **DATE** : 09.12.2022

#### **ORAL ORDER** :

Heard Shri H.A. Joshi, learned Advocate holding for Shri Suhas R. Shirsat, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Short affidavit in reply filed on behalf of the respondent Nos.2 & 3 is taken on record.

3. S.O. to 17.01.2023 for hearing.

**MEMBER (J)** 

#### ORIGINAL APPLICATION NO. 27 OF 2021 (Mohan G. Wadajkar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER :**

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

2. S.O. to 18.01.2023 for hearing.

MEMBER (J)

#### ORIGINAL APPLICATION NO. 28 OF 2021 (Gorakh B. Dhakane Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER :**

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

2. S.O. to 18.01.2023 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 105 OF 2021 (Smita K. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

#### **ORAL ORDER :**

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 18.01.2023 for hearing.

MEMBER (J)

#### ORIGINAL APPLICATION NO. 195 OF 2021 (Gopal S. Patil Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

#### **ORAL ORDER :**

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

2. S.O. to 19.01.2023 for hearing.

MEMBER (J)

### ORIGINAL APPLICATION NO. 397 OF 2021 (Abhijeet M. Bhise & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

## **ORAL ORDER**:

Heard Shri A.S. Deshmukh, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 18.01.2023 for hearing.

**MEMBER (J)** 

### ORIGINAL APPLICATION NO. 529 OF 2021 (Kishor N. Salve Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER :**

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

2. S.O. to 19.01.2023 for hearing.

MEMBER (J)

### ORIGINAL APPLICATION NO. 600 OF 2021 (Subhash G. Dhuture Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER**:

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

2. S.O. to 11.01.2023 for hearing.

MEMBER (J)

### ORIGINAL APPLICATION NO. 161 OF 2022 (Bharat A. Sawant Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER**:

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

2. S.O. to 11.01.2023 for hearing.

MEMBER (J)

### ORIGINAL APPLICATION NO. 610 OF 2022 (Bhanudas A. Kalhapure Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER**:

Heard Shri A.S. Shelke, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 13.01.2023 for hearing.

MEMBER (J)

### ORIGINAL APPLICATION NO. 586 OF 2022 (Suvarna P. Pawar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER**:

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

2. S.O. to 13.01.2023 for hearing. Interim relief granted earlier to continue till then.

**MEMBER (J)** 

O.A.Nos. 377/2019, 378/2019, 379/2019, 381/2019, 382/2019, 565/2019, 630/2019, 660/2019, 661/2019, 988/2019, 108/2020, 109/2020 AND 656/2022 (Somnath A. Nande & Ors. Vs. State of Maharashtra & Ors.)

### <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

(This matter is placed before the Single Bench due to non-availability of Division Bench)

### **DATE** : 09.12.2022

#### **ORAL ORDER :**

Heard Shri R.C. Bramhankar, learned Advocate for the applicants in respective O.As. and holding for Shri V.S. Panpatte, learned Advocate for the applicants in respective O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. S.O. to 09.01.2023 for re-hearing. High On Board.

MEMBER (J)

### ORIGINAL APPLICATION NO. 845 OF 2017 (RAmbhau L. Kuskar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER** :

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

2. S.O. to 09.01.2023 for final hearing. **High On Board**.

MEMBER (J)

### ORIGINAL APPLICATION NO. 569 OF 2018 (Prashant A. Bongre Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER** :

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

2. The present matter has already been treated as part heard.

3. S.O. to 09.01.2023. High On Board.

### MEMBER (J)

### ORIGINAL APPLICATION NO. 408 OF 2021 (Urmila M. Gaikwad Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER**:

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent No.1 and Shri K.B. Jadhav, learned Advocate for the respondent No.2.

2. At the request of the learned Advocate for the respondent No.2, time is granted for filing affidavit in reply.

3. S.O. to 09.01.2023. High On Board.

**MEMBER (J)** 

C.P.NO. 35/2019 IN O.A.NO. 59/2017 WITH O.A.NO. 273/2017 (Vishwanath B. Baswante & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

(This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

#### **ORAL ORDER** :

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

2. S.O. to 13.01.2023 for further consideration.

### **MEMBER (J)**

### C.P.NO. 41 OF 2019 IN O.A.NO. 25 OF 2018 (Sachin R. Salve Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER :**

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

2. S.O. to 16.01.2023 for hearing.

MEMBER (J)

### M.A.NO. 51 OF 2019 IN O.A.ST.NO. 354 OF 2017 (Ashruba B. Jaybhaye Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER** :

Smt. Renuka Ghole, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 16.01.2023 for hearing.

**MEMBER (J)** 

### M.A.NO. 614/2019 IN O.A.ST.NO. 2365/2019 (Hanuman P. Jarare Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER :**

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

2. S.O. to 16.01.2023 for hearing.

MEMBER (J)

# M.A.NO.100/2020 IN O.A.NO. 236/2018 (Krushnalal R. Shirshi Gule Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# <u>DATE</u> : 09.12.2022

# **ORAL ORDER :**

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

2. S.O. to 17.01.2023 for hearing.

### **MEMBER (J)**

### M.A.NO. 103/2020 IN O.A.ST.NO. 146/2020 (Ramchandra N. Palmate Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER** :

Shri V.P. Golewar, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 17.01.2023 for hearing.

**MEMBER (J)** 

#### M.A.NO.62 OF 2021 IN O.A.NO. 461 OF 2020 (The Chief Engineer Water Resources Department' A'bad Vs. State of Maharashtra & Ors.)

# <u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **<u>DATE</u>** : 09.12.2022

### **ORAL ORDER** :

Heard Shri S.B. Patil, learned Advocate for the applicants in the present M.A. (respondent Nos.2 to 4 in O.A.), Shri R.P. Bhumkar, learned Advocate for the applicant in O.A.No.461/2020 and Shri D.R. Patil, learned Presenting Officer for the other respondent authorities.

2. S.O. to 13.01.2023 for hearing.

**MEMBER (J)** 

### M.A.NO. 187/2021 IN O.A.ST.NO. 1096/2020 (Rakesh S. Kapdne Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) (This matter is placed before the Single Bench due to non-availability of Division Bench)

# **DATE** : 09.12.2022

### **ORAL ORDER** :

Shri S.B. Bhosale, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 18.01.2023 for hearing.

**MEMBER (J)** 

### ORIGINAL APPLICATION NO. 1065 OF 2022 (Ujjwala d/o. Laxman Wankar Vs. State of Maha. & Ors.)

### <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

**DATE** : 9.12.2022

### **ORAL ORDER** :

Shri Ajay Deshpande, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for respondent No. 4, are present.

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 1 and the same is taken on record and copy thereof has been served on the other side. Learned counsel for respondent No. 4 has also tendered across the bar affidavit in reply on behalf of the said respondent and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 12.12.2022.

**VICE CHAIRMAN** 

ORAL ORDER 9.12.2022-HDD

#### M.A.NO. 534/2022 IN O.A.NO. 1035/2022 (Sunil M. Saindane Vs. State of Maha. & Ors.)

#### <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman DATE : 9.12.2022

#### <u>DATE</u> : 9.12.202 ORAL ORDER :

Heard Ms. Vaishali Suryawanshi, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 6.2.2023.

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

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

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

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

- 7. S.O. to 6.2.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

#### ORIGINAL APPLICATION NO. 1061 OF 2022 (Atmaram N. Awatirak Vs. State of Maha. & Ors.)

#### <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman <u>DATE</u>: 9.12.2022 ORAL ORDER:

Heard Shri I.D. Maniyar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 6.2.2023.

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

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

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

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

- 7. S.O. to 6.2.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

#### ORIGINAL APPLICATION NO. 1094 OF 2022 (Madhav B. Wangaje Vs. State of Maha. & Ors.)

#### <u>CORAM</u> : Hon'ble Shri Justice P.R. Bora, Vice Chairman <u>DATE</u> : 9.12.2022

#### **ORAL ORDER :**

Heard Shri D.K. Dagadkhair, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 6.2.2023.

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

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

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

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

- 7. S.O. to 6.2.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

#### ORIGINAL APPLICATION NO. 1095 OF 2022 (Tukaram S. Pohare Vs. State of Maha. & Ors.)

### <u>CORAM</u> : Hon'ble Shri Justice P.R. Bora, Vice Chairman <u>DATE</u> : 9.12.2022

#### ORAL ORDER :

Heard Shri D.K. Dagadkhair, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 6.2.2023.

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

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

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

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

- 7. S.O. to 6.2.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 903 OF 2019 (Dr. Vithal R. Mekane Vs. State of Maha. & Ors.)

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 9.12.2022

#### **ORAL ORDER :**

Shri Anand D. Kaware, learned counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

Shri A.B. Shinde, learned counsel for respondent No. 4 (**absent**).

At the request of learned counsel for the applicant,
S.O. to 16.1.2023.

ORAL ORDER 9.12.2022-HDD

ORIGINAL APPLICATION NO. 1093 OF 2019 (Bhanudas B. Putwad Vs. State of Maha. & Ors.)

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

**<u>DATE</u>** : 9.12.2022

# **ORAL ORDER** :

Shri Ravindra B. Ade, learned counsel for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 6.2.2023.

ORAL ORDER 9.12.2022-HDD

### ORIGINAL APPLICATION NO. 121 OF 2021 (Sukhadev S. Jadhav & Ors. Vs. State of Maha. & Ors.)

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

**DATE** : 9.12.2022

# **ORAL ORDER** :

Shri D.K. Dagadkhair, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

At the request of learned counsel for the applicant,
S.O. to 1.2.2023.

ORAL ORDER 9.12.2022-HDD

### ORIGINAL APPLICATION NO. 147 OF 2021 (Ratnaprabha T. Hingade Vs. State of Maha. & Ors.)

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

**DATE** : 9.12.2022

# **ORAL ORDER** :

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

2. Since nobody appears for the applicant, S.O. to 6.2.2023.

ORAL ORDER 9.12.2022-HDD

ORIGINAL APPLICATION NO. 560 OF 2021 (Motiram D. Dakhore Vs. State of Maha. & Ors.)

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

**DATE** : 9.12.2022

### **ORAL ORDER** :

Shri S.D. Joshi, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

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

ORAL ORDER 9.12.2022-HDD

### ORIGINAL APPLICATION NO. 294 OF 2022 (Ganpat K. Sidam Vs. State of Maha. & Ors.)

### <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

**DATE** : 9.12.2022

#### **ORAL ORDER :**

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

Shri N.S. Kadam, learned counsel for respondent Nos. 3 to 5 (**absent**).

At the request of learned counsel for the applicant,
S.O. to 17.1.2023. Interim relief granted earlier to continue till then.

ORAL ORDER 9.12.2022-HDD

### ORIGINAL APPLICATION NO. 434 OF 2019 (Namdeo S. Ghone Vs. State of Maha. & Ors.)

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

**DATE** : 9.12.2022

# **ORAL ORDER** :

Shri S.D. Dhongde, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 20.1.2023.

ORAL ORDER 9.12.2022-HDD

#### ORIGINAL APPLICATION NO. 692 OF 2022 (Avinash T. Dhondge Vs. State of Maha. & Ors.)

# <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman <u>DATE</u>: 9.12.2022 <u>ORAL ORDER</u>:

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri V.G. Pingle, learned counsel holding for Shri V.B. Wagh, learned counsel for respondent No. 3.

2. When the present matter is taken up for consideration, learned Presenting Officer has tendered across the bar the order dated 1.12.2022, whereby the applicant has been posted as Superintending Engineer, P.W.D. Circle, Akola. The order is taken on record.

3. Learned counsel for the applicant, on instructions, in view of the order so passed by the Government seeks leave of this Tribunal to withdraw the present Original Application. Hence, the following order is passed: -

#### 

The Original Application stands disposed of since withdrawn. No order as to costs.

VICE CHAIRMAN

ORAL ORDER 9.12.2022-HDD

M.A.NO. 478/2022 IN O.A.NO. 650/2021 (Prakash T. Vaichal Vs. State of Maha. & Ors.)

### <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

**DATE** : 9.12.2022

# **ORAL ORDER** :

Shri Anand D. Kawre, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 11.1.2023.

ORAL ORDER 9.12.2022-HDD

#### M.A.NO. 459/2019 IN O.A.NO. 618/2019 (Dhondiram G. Kamble Vs. State of Maha. & Ors.)

### <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

# **DATE** : 9.12.2022

### **ORAL ORDER** :

Heard Shri Pankaj A. Bharat, learned counsel holding for Shri U.L. Momale, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The applicant in the present matter has expired during pendency of the present O.A. Legal heirs of the deceased are prosecuting the matter further.

3. The Original Application is filed seeking quashment of the order of recovery passed against the deceased applicant alleging that the excess payment is made to him because of wrong fixation of pay. Since the delay has occasioned, the present M.A. is filed seeking condonation of delay. Learned counsel for the applicant submitted that though the order of recovery appears to have been passed in the year 2015, the applicant had immediately lodged his protest against the said order. The representation/objection so raised was not decided up to the year 2017 by the respondent authorities.

### :: - 2 - :: M.A. 459/19 IN O.A. 618/19

Learned counsel submitted that in the meanwhile departmental enquiry was conducted against the deceased applicant and till conclusion of the enquiry no decision was taken as about objection raised by the deceased against the said recovery. Learned counsel further submitted that the applicant on the advice so received to him first approached the Hon'ble High Court by filing Writ Petition No. 6591/2019 and ultimately withdrew the said Writ Petition with liberty to file the appropriate proceedings before this Tribunal. In the circumstances, learned counsel submits that the delay has occasioned and it is further contended that there are no *mala fide* in approaching late this Tribunal.

4. Learned Presenting Officer has opposed for condonation of delay stating that the delay though is stated to be of period from the date of filing Writ Petition in the Hon'ble High Court, in fact, it has to be computed since the year 2015 and the said period has not been appropriately explained by the applicant. Learned P.O. has, therefore, prayed for dismissal of the application.

5. I have considered the submissions advanced by the parties. It is true that initial order of recovery was passed in the year 2015. However, as noted hereinabove the said order was objected immediately by the applicant

### :: - 3 - :: M.A. 459/19 IN O.A. 618/19

and no decision was taken on his said objection by the respondent authorities up to the year 2017. Thereafter, also the departmental enquiry was conducted and till conclusion of the said departmental enquiry final decision does not seem to have been taken by the respondents. In the circumstances, it appears to me that the applicant has sufficiently explained the delay, which has occasioned in approaching this Tribunal. Hence, the following order: -

### <u>O R D E R</u>

The delay caused in filing the accompanying O.A. is condoned. The Original Application be registered in accordance with law.

(ii) The M.A. is disposed of with no order as to costs.

ORAL ORDER 9.12.2022-HDD

#### ORIGINAL APPLICATION NO. 618 OF 2019 (Dhondiram G. Kamble Vs. State of Maha. & Ors.)

#### <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman DATE : 9.12.2022

#### **ORAL ORDER :**

Heard Shri Pankaj A. Bharat, learned counsel holding for Shri U.L. Momale, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 6.2.2023.

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

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

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

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

- 7. S.O. to 6.2.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

#### M.A.NO. 543/2022 IN O.A.NO. 1068/2022 (Devidas Gangadhar Pawar Vs. State of Maha. & Ors.)

### <u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

# **DATE** : 9.12.2022

### **ORAL ORDER** :

Heard Shri S.S. Thombre, learned counsel for the applicant in M.A., Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent No. 3 in M.A. / applicant in O.A.

2. Respondent No. 3 in O.A. viz. Devidas Gangadhar Pawar has filed the present Miscellaneous Application seeking vacation of the stay granted by this Tribunal vide order passed on 30.11.2022. Vide the said interim order this Tribunal had temporarily stayed the order dated 29.11.2022 impugned in the O.A., whereby the appointment of respondent No. 3 has been made on the post of Commissioner of Jalgaon Municipal Corporation by way of transfer. In the said order itself it is averred that the applicant, who is holding the said post shall stand relieved w.e.f. afternoon of 29.11.2022. In the said order respondent No. 3 is directed to resume the charge of the transferred post and accordingly submit report to that effect.

#### :: - 2 - :: M.A. 543/22 IN O.A. 1068/22

3. In the M.A. it is the contention of the applicant that he took over the charge of the post of Commissioner of Municipal Corporation, Jalgaon before Office Hours of 30.11.2022 and he has mentioned the time of his taking over the charge as 9.45 am. It is the further contention of the present applicant that on 29.11.2022 itself he has intimated to the original applicant by way of Whatsapp message that he will be joining the transferred post on 30.11.2022. It is the further contention of the present applicant that "OK" reply was received to the said Whatsapp message from the original applicant. It is the further contention of the present applicant that accordingly when he reached to the office of Municipal Corporation Jalgaon on 30.11.2022, the original applicant was, however, not present there and in the circumstances he was required to take over the charge in absence of the original applicant. It is the further contention of the present applicant that he immediately forwarded his joining report to all concerned and actually started working on the said post. It is his further contention that on the said date i.e. on 30.11.2022 one meeting was to be attended by the Municipal Commissioners in the State and he attended the said meeting on Video Conferencing from 10.00 AM onwards. It is his further contention that in spite of the facts as aforesaid and when the applicant has taken

### :: - 3 - :: M.A. 543/22 IN O.A. 1068/22

over the charge and is actually looking after affairs of Municipal Corporation Jalgaon, original applicant is every day coming to the office and disturbing the office work. It is further contended that on the strength of interim order passed, the original applicant claims that she is still holding the charge of the said post which has created the chaotic situation at the office of Municipal Corporation, Jalgaon.

4. The learned counsel appearing for the present applicant submitted that the original applicant in her reply submitted to the MA, has candidly admitted that this applicant had taken over the charge, may be illegally, according to her, but the fact remains that the charge has been taken over by the present applicant. The learned counsel submitted that as provided under rule 29 of the M.C.S. (General Conditions of Services) Rules, 1981, the present applicant was under an obligation to intimate to the original applicant about date and time of his joining to the subject post. Learned counsel submitted that the present applicant had accordingly intimated and discharged his obligation, in view of aforementioned Rule 29. Learned counsel further submitted that from the "OK" reply to the said message by the original applicant, no other inference can be drawn except that there was no objection from the

### :: - 4 - :: M.A. 543/22 IN O.A. 1068/22

side of the original applicant for joining of present applicant on 30.11.2022. In the circumstances, according to the learned counsel, the objection as has been raised on behalf of the original applicant that present applicant had taken over the charge illegally and in violation of the service rules and more particularly rule 31(c) of MC.S. (General Conditions of Services) Rules, 1981 cannot be entertained.

5. The learned counsel further submitted that the grievance raised by the original applicant in regard to the transfer of present applicant can be looked into by this Tribunal independently during the course of final hearing of the matter, however, to remove anomaly which has occasioned requires to be removed by vacating the interim relief so that the present applicant can peacefully discharge his duties on the transferred post. Learned counsel in the circumstances has prayed for vacating the interim relief.

6. Shri Avinash Deshmukh, learned counsel for the original applicant opposed the aforesaid submissions. Learned counsel submitted that even if it is accepted that this applicant had informed the original applicant that he will be joining on 30.11.2022 and though original applicant had replied "OK" to that message, even then when the original applicant was not present in the

#### :: - 5 - :: M.A. 543/22 IN O.A. 1068/22

office of the Jalgaon Municipal Corporation to handover the charge to the present applicant, he could not have unilaterally taken the charge and must have waited or else must have informed the said fact to the competent authority and should have obtained necessary orders from the said authority for taking over the charge of the transferred post in absence of the original applicant. Learned counsel submitted that mere sending of SMS or Whatsapp message and response to it by the original applicant is not enough to hold that the present applicant has legally taken over the charge of the subject post. Learned counsel further submitted that in the affidavit in reply submitted on behalf of the State Government, there is nothing about taking over the charge by the present applicant. Learned counsel further submitted that in the circumstances, when the present applicant has failed in establishing that he has taken over the charge of the transferred post legally and in compliance of the relevant provisions, he does not possess any right to seek any such order as has been sought by him in the present application.

7. Learned Presenting Officer reiterated the contentions raised in the affidavit in reply filed on behalf of respondent No. 1 and submitted for passing appropriate orders. According to the contentions raised

### :: - 6 - :: M.A. 543/22 IN O.A. 1068/22

in the affidavit in reply the transfer of respondent No. 3 has been made on recommendation of the Civil Services Board in accordance with law.

8. I have duly considered the submissions made on behalf of the parties.

9. The issue which needs to be addressed while deciding the present M.A. is, "whether respondent No. 3 can be said to have legally taken over the charge of the post of Commissioner for Municipal Corporation, Jalgaon?" As has been contended on behalf of the present applicant he has intimated the transferee i.e. original applicant that he will be reaching at the transferred place on 30.11.2022 for taking over the charge. It is not in dispute that the original applicant responded to the said message with the words "OK". As has been further contended by the present applicant he has, thus, discharged burden cast on him under Rule 29 of the M.C.S. (General Conditions of Services) Rules, 1981. My attention is invited to the further averment in Rule 29, which obligates transferee officer to remain present in the office for handing over such charge. It is the contention of the present applicant that original applicant did not fulfill the duty cast on her. To this extent contentions of the present applicant have to be accepted.

### :: - 7 - :: M.A. 543/22 IN O.A. 1068/22

10. However, the contention as has been raised on behalf of the original applicant relying on the provision under Rule 31 (c) of the said Rules also has to be considered. Rule 31 (c) speaks thus,

> "31. Charge must be handed over at the headquarters, both relieved and relieving Government servants to be present Except as otherwise provided below, the charge of a post must be made over at the headquarters, both the relieving and relieved Government servants being present—

(a) -- -- -- -- -- -- ---- --(b) -- -- -- -- -- --

(c) In exceptional circumstances, which should be recorded, a competent authority may permit the charge of a post to be made over in the absence of the relieved Government servant by letter or by telegram at or outside the headquarters of the post."

11. The aforesaid provision thus, envisages that charge can be unilaterally taken in exceptional circumstances and those are to be recorded by the competent authority and the competent authority shall permit such charge to be taken in absence of the transferee officer. In the present matter though it is the fact that the present applicant had informed to the original applicant and in spite of that she remained absent, even in such circumstances, the present applicant must have

#### ::: - 8 - :: M.A. 543/22 IN O.A. 1068/22

informed the said fact to the competent authority and without obtaining the permission or formal order from the said authority should not have taken the charge of the transferred post.

12. It is further significant to note that in the affidavit in reply filed on behalf of respondent No. 1 nothing has been stated as about taking over charge by the present applicant. The interim order passed by this Tribunal has been duly served upon all the respondents, whereby respondents and more particularly the competent authority must have become aware that the impugned order dated 29.11.2022 has been temporarily stayed. In the circumstances, some authentic information must have been there in the affidavit in reply filed on behalf of respondent No. 1. Whatever has come on record is the version of the present applicant. In absence of any authentic information from the competent authority, it is difficult at this stage to even record any prima facie conclusion whether the applicant can be said to be holding charge of the subject post legally or otherwise.

13. The next question, however, immediately arises, 'can such a situation be allowed to exist where two officers are claiming the right on one post or such a situation where the Municipal Corporation, Jalgaon is without its highest officer in place?". Both the situations

### :: - 9 - :: M.A. 543/22 IN O.A. 1068/22

would entail in stalling the administration of the Corporation. In any case the citizens cannot be put to any hardship.

14. Till the authentic information is placed on record by respondent No. 1 though it would not be possible to decide the present application, in the circumstances, noted above, some ad-interim arrangement has to be directed. I, therefore, deem it appropriate to pass the following order: -

### <u>O R D E R</u>

(i) The hearing of the present application is deferred till 20.12.2022. An endeavor will be made to hear the Original Application also along with the present application finally on the said date.

(ii) The present applicant i.e. respondent no. 3 in O.A. shall file his affidavit in reply to the O.A. by the next date and Respondent No. 1 shall file reply to the present application.

(iii) The present applicant may work as the Commissioner of Jalgaon Municipal Corporation till the next date with a rider that he shall not take any policy decision and shall not incur the expenses except towards statutory liabilities and normal day to day expenses.

# :: - 10 - :: M.A. 543/22 IN O.A. 1068/22

(iv) Needless to state that the interim order passed by this Tribunal remains undisturbed.

(v) S.O. to 20.12.2022.

ORAL ORDER 9.12.2022-HDD