

ORIGINAL APPLICATION NO. 183 OF 2019
(Shri Pandurang V. Arke Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 09.06.2020

ORAL ORDER :

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

2. S.O. to 14.07.2020 for final hearing.

VICE CHAIRMAN

ORAL ORDERS 09.06.2020-HDD

ORIGINAL APPLICATION NO. 174 OF 2020
(Shri Ravindra P. Bibekar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 09.06.2020

ORAL ORDER :

Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks leave to file application for condonation of delay.
3. Leave as prayed for is granted.
4. The present case be removed from the board with liberty to the applicant to circulate as and when occasion arises.

VICE CHAIRMAN

ORAL ORDERS 09.06.2020-HDD

ORIGINAL APPLICATION NO. 170 OF 2020
(Shri Piraji L. Sormare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 09.06.2020

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri K.G. Salunke, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the respondent No. 4.

2. Learned Advocate for respondent No. 4 has filed affidavit in reply and the same is taken on record and the copy thereof has been served on the other side.

3. Learned Chief Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

4. S.O. to 23.06.2020. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 09.06.2020-HDD

ORIGINAL APPLICATION NO. 836 OF 2019
(Sajidbanu G. Shahpure Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 09.06.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent No. 1 and Shri S.D. Dhongde, learned Advocate for respondent Nos. 2 & 3.

2. At the request and by consent of both the parties, S.O. to 23.06.2020.

VICE CHAIRMAN

ORAL ORDERS 09.06.2020-HDD

ORIGINAL APPLICATION ST. NO. 502/2020
(Arun S. Gaware Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 09.06.2020

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 28.7.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

::-2-::

O.A. ST. NO. 502/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 28.7.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 09.06.2020

ORIGINAL APPLICATION ST. NO. 509/2020
(Prashant E. Supekar Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 09.06.2020

ORAL ORDER :

Heard Shri Mahesh K. Bhosale, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 21.7.2020.

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

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

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

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O.A. ST. NO. 509/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 21.7.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 09.06.2020

ORIGINAL APPLICATION ST. NO. 511/2020
(Chandrakant Y. Bansode Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 09.06.2020

ORAL ORDER :

Heard Shri Madhur A. Golegaonkar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The applicant has challenged the order dtd. 25.11.2019 passed by the respondent no. 2 by which he has been suspended, by filing the present O.A.

3. On perusal of record it reveals that the applicant has challenged the said order before the appropriate / appellate authority by filing appeal / representation on 31.1.2020. The said appeal / representation of the applicant is still pending.

4. In view thereof the present Original Application is premature and therefore it cannot be entertained / admitted in view of the provisions of section 20 of the Administrative Tribunals Act, 1985. Hence the O.A. deserves to be dismissed.

::-2-::

O.A. ST. NO. 511/2020

5. In the circumstances the present Original Application stands rejected. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 09.06.2020

ORIGINAL APPLICATION NO. 30/2020

(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 09.06.2020

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The applicant has filed the present O.A. for his reinstatement in service in pursuance of the order passed by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad on 23.9.2019 in writ petition No. 7510/2019 and also prayed to direct the respondents to pay his salary from 3.4.2019.

3. Learned Advocate for the applicant has submitted that in spite of quashing of the order of suspension by the Hon'ble High Court, the respondents are not allowing the applicant to join the duties and they are not paying the salary to the applicant and therefore the applicant has approached this Tribunal. He has submitted that by way of interim directions the respondents be directed to pay salary to the applicant from 3.4.2019.

4. Learned Presenting Officer has submitted that the respondents have not filed their affidavit in reply and he therefore sought time to file affidavit in reply on the ground that in the present situation the answering respondents are not available in the office because of spread of COVID-19 / Corona virus. He has submitted that the matter can be decided on merit after filing detailed affidavit in reply by the respondents. He has further submitted that since the applicant has not been permitted to join the duty he is not entitled to get salary.

5. On perusal of record it reveals that the suspension order has been quashed by the Hon'ble High Court in writ petition no. 7510/2019 on 23.9.2019. On perusal of the prayer G(iii) of the O.A. it reveals that the applicant is seeking execution and operation of the order dtd. 23.9.2019 passed by the Hon'ble High Court passed in writ petition no. 7510/2019 from this Tribunal by filing the O.A. The said relief cannot be granted by the Tribunal. The applicant has to join the service in pursuance of the order of Hon'ble High Court dtd. 23.9.2019 passed in writ petition no. 7510/2019 first for claiming the

::-3-::
O.A. NO. 30/2020

salary. Without considering the affidavit in reply of the respondents the present O.A. cannot be disposed of on merit. Hence the prayer of the applicant for grant of interim relief cannot be considered at this stage.

6. Therefore, the prayer of the applicant for grant of interim relief is rejected.

7. In these circumstances, S.O. to 7.7.2020 for filing detailed affidavit in reply by the respondents as a most last chance.

VICE CHAIRMAN

ARJ ORAL ORDERS 09.06.2020