

**ORIGINAL APPLICATION NO.257/2021**

**(Nanasaheb Laxmanrao Gaikwad Vs. State of Maharashtra & Ors.)**

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

**AND**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 09.06.2021**

**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. Learned Advocate for the Applicant is seeking ad-interim relief in terms of prayer clause 'E' of the O.A. to the effect that the Respondent Nos.2 & 5 be directed to keep one post vacant for the post of Reserve Police Sub-Inspector (R.S.I.).

3. Learned C.P.O. for the Respondents opposes the said submission in view of the judgment of Hon'ble Division Bench of principal seat of this Tribunal at Mumbai in O.A.No.829/2019 and O.A.No.364/2017 decided on 10.03.2021. On the other hand, the learned Advocate for the Applicant is relying upon the judgment and order of this Tribunal at Aurangabad bench in O.A.Nos.378, 338, 339 and 340 all of 2016 decided on 24.03.2017.

4. Perusal of judgment and order dated 10.03.2021 in O.A.Ns.O.A.No.829/2019 and O.A.No.364/2017 would show that there is reference to the order dated 24.03.217

in O.A.Nos.378, 338, 339 and 340 all of 2016 showing certain infirmity in respect to provision in Police Manual.

5. In view of the same we are of the opinion that it is desirable to have affidavit-in-reply of the Respondents before considering the prayer of the applicant for grant of ad-interim relief.

6. In view of above, issue notice to the respondents, returnable on 08.07.2021.

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

8. 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.

9. 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. NO. 257/2021**

10. 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.

11. S.O. to 08.07.2021.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.258/2021**  
**(Laxman Narayan Sormare Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.06.2021**

**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. Learned Advocate for the Applicant is seeking ad-interim relief in terms of prayer clause 'E' of the O.A. to the effect that the Respondent Nos.2 & 5 be directed to keep one post vacant for the post of Reserve Police Sub-Inspector (R.S.I.).

3. Learned C.P.O. for the Respondents opposes the said submission in view of the judgment of Hon'ble Division Bench of principal seat of this Tribunal at Mumbai in O.A.No.829/2019 and O.A.No.364/2017 decided on 10.03.2021. On the other hand, the learned Advocate for the Applicant is relying upon the judgment and order of this Tribunal at Aurangabad bench in O.A.Nos.378, 338, 339 and 340 all of 2016 decided on 24.03.2017.

4. Perusal of judgment and order dated 10.03.2021 in O.A.Ns.O.A.No.829/2019 and O.A.No.364/2017 would show that there is reference to the order dated 24.03.217

in O.A.Nos.378, 338, 339 and 340 all of 2016 showing certain infirmity in respect to provision in Police Manual.

5. In view of the same we are of the opinion that it is desirable to have affidavit-in-reply of the Respondents before considering the prayer of the applicant for grant of ad-interim relief.

6. In view of above, issue notice to the respondents, returnable on 08.07.2021.

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

8. 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.

9. 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. NO. 258/2021**

10. 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.

11. S.O. to 08.07.2021.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.289/2018**  
**(Suraj S. Patil & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the Applicant placed on record the copy of select list prepared by the M.P.S.C., wherein the names of the Applicant Nos.1 and 4 are at Sr.Nos.14 & 15. The said list is for the post of Assistant Motor Vehicle Inspector. The said list is taken record and marked as document 'X' for the purpose of identification.

3. Learned Advocate for the Applicants further placed on record copy of the communication dated 21.10.2020 in respect of the Applicant Nos.1 and 4 issued by the Transport Commissioner asking the Applicant Nos.1 & 4 to produce the relevant documents for verification. The said orders are marked as documents 'X-1' and 'X-2' for the purpose of identification.

4. In view of above development, the learned Advocate for the Applicants seeks permission to withdraw the present Original Application of behalf of the Applicant Nos.1 & 4.

5. Record shows that by order dated 06.11.2019, the Original Application is disposed of in respect of the Applicant Nos. 2, 3 & 5 being withdrawn on similar ground.

6. In view of above, we have no reason to refuse the permission to withdraw the Original Application in respect of the Applicant Nos.1 & 4.

7. Hence, the Original Application is disposed of in respect of the Applicant Nos.1 & 4. It is to be noted by the earlier order dtd. 6.11.2019 the present O.A. is disposed of as withdrawn in respect of applicant nos. 2, 3 & 5.

8. Consequently, the Original Application stands disposed of as withdrawn in respect of all the applicants. No order as to costs.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO.248/2019**  
**(Vikram Bansi Mate Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos.1 & 2 and Shri Suresh D. Dhongde, learned Advocate for the Respondent Nos.3 & 4.

2. Record shows that affidavit-in-reply is filed by the Respondent Nos.1 & 2. It is adopted by the Respondent Nos.3 & 4.

3. No affidavit-in-rejoinder is filed by the Applicant.

4. Learned Advocate for the Applicant seeks time to file affidavit-in-rejoinder.

5. Time granted to the Applicant to file affidavit-in-rejoinder, if any.

6. S.O. to 09.07.2021.

**MEMBER (A)**

**MEMBER (J)**

**C.P.NO.25/2020 IN O.A.NO.284/2020**  
**(Sidram M. Koli Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

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

2. Record shows that notice is issued to the Respondent by order dated 15.12.2020. No reply is filed by the Respondents.

3. Now, the learned P.O. for the Respondents seeks time to file affidavit-in-reply contending that due to pandemic situation affidavit-in-reply could not be filed.

4. In view of above, short time is granted to file affidavit-in-reply on behalf of the Respondents.

5. S.O. to 02.07.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 425 OF 2020**  
**(Sachin U. Shinde & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

Heard Shri S.V. Natu, learned Advocate for the applicants, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri M.B. Bharaswadkar, learned Advocate for respondent Nos. 5 to 7 & 11.

2. Record shows that the respondent Nos. 5, 6 & 11 are filed affidavit in reply jointly.

3. Learned Presenting Officer for respondent Nos. 1 to 4 seeking time for filing affidavit in reply.

4. In the facts and circumstances, time is granted for filing affidavit in reply.

5. S.O. to 09.07.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 176 OF 2021**  
**(Ganesh B. Gambhire Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that 3-4 similarly situated persons have received promotion order, but the applicant has not received promotion.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf respondents.

4. Learned Presenting Officer to note the above submission made by the learned Advocate for the applicant.

5. In the facts and circumstances, time is granted for filing affidavit in reply.

6. S.O. to 07.07.2021.

**MEMBER (A)**

**MEMBER (J)**

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

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

**DATE : 09.06.2021**

**ORAL ORDER :**

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

2. During the course of argument it is revealed that the document dated 14.06.2018, Exhibit A-4 page No. 24 of paper book produced by the applicant is incomplete document. There is no signature of the authority who issued the said document. Further the applicant, for the purpose of experience, has relied upon the certificate dated 21/25.02.2008, Exhibit -5 at paper book page No. 25. Whereas verified experience certificate relied upon by the respondents for denying the claim is at Exhibit A-9 at paper book page No. 32. For considering the discrepancy in the certificate dated 21/25.02.2008, the verified document at page No. 32 does not give explanation as regards infirmity in certificate dated 21/25.02.2008 at page No. 25. The respondent Nos. 1 to 6 only can explain the infirmity, if any, in document dated 21/25.02.2008. Unless those discrepancies or short comings in the

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O.A. No. 569/2018

documents are explained thoroughly, the infirmity in the matter cannot be adjudicated effectively.

3. In view of the same, the respondent Nos. 1 to 6 to explain said three documents by filing short affidavit and produce on record corrected documents, if any. The respondent Nos. 1 to 6 are also directed to verify the additional certificate dated 08.06.2018 relied upon by the learned Advocate for the applicant which is at page No. 27 of paper book. The respondents also be verified the documents and explain things on the next date.

4. S.O. to 08.07.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 76 OF 2019**  
(Nilesh S. Badgajar Vs. State of Maharashtra & Ors.)

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

**DATE : 09.06.2021**

**ORAL ORDER :**

Heard Shri Nilesh S. Badgajar, applicant in person and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that the affidavit in reply is filed by the respondent Nos. 1 and 2 separately.

3. Learned applicant seeks time for filing rejoinder affidavit. Time granted.

3. S.O. to 09.07.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 108 OF 2019**  
**(Krushna R. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

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

2. S.O. to 13.07.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 44 OF 2020  
(Asha S. Gaikwad Vs. State of Maha. & Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

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

2. Record shows that by an order dated 7.5.2021 the respondents were directed to file short affidavit clarifying the position in respect of vacant posts for appointment on compassionate ground.

3. In view of above, learned Presenting Officer seeks time to file short affidavit. In the facts and circumstances, short time is granted to the respondents.

4. S.O. to 24.06.2021.

**MEMBER (J)**

ORAL ORDERS 9.6.2021-HDD

**ORIGINAL APPLICATION NO. 51 OF 2018**  
**(David S. Ganthur & Ors. Vs. State of Maha. & Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

Heard Shri K.M. Nagarkar, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants has filed points of arguments along with documents and the same is taken on record.

4. At the request of learned Presenting Officer for the respondents, S.O. to 09.07.2021.

**MEMBER (J)**

ORAL ORDERS 9.6.2021-HDD

**ORIGINAL APPLICATION NO. 304 OF 2018  
(Sudhakar D. Mangalkar & Ors. Vs. State of Maharashtra  
& Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

Heard Shri K.M. Nagarkar, learned Advocate for the applicants and Mrs. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

4. At the request of learned Presenting Officer for the respondents, S.O. to 09.07.2021.

**MEMBER (J)**

ORAL ORDERS 9.6.2021-HDD

**M.A.NO. 149/2021 IN O.A.NO. 187/2021  
(Padmakar V. Thakur & Anr. Vs. State of Maha. & Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned Advocate for the intervenors, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 2 & 3 and Shri A.S. Shelke, learned Advocate for respondent No. 1 – original applicant.

2. At the request of learned Presenting Officer for respondent Nos. 2 & 3 and learned Advocate for the applicant in O.A., time is granted for filing affidavit in reply to the intervention application.

3. S.O. to 07.07.2021.

**MEMBER (J)**

ORAL ORDERS 9.6.2021-HDD

**ORIGINAL APPLICATION NO. 187/2021  
(Ramrao K. Pallewad Vs. State of Maha. & Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

Heard Shri A.S. Shelke, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri A.D. Sugdare, learned Advocate for proposed intervenor.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 07.07.2021 to enable him to file rejoinder affidavit. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 447/2020  
(Vaishali V. Hinge Vs. State of Maha. & Ors.)**

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

**DATE : 09.06.2021**

**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. Learned Chief Presenting Officer for the respondents submits that original record is available today.

3. At the request of learned Advocate for the applicant, S.O. to 17.06.2021 for hearing at the stage of admission itself.

**MEMBER (J)**

ORAL ORDERS 9.6.2021-HDD

**ORIGINAL APPLICATION NO. 29/2020  
(Shaikh Akhtar Hussain Vs. State of Maha. & Ors.)**

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

**DATE : 09.06.2021**

**ORAL ORDER :**

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

2. Record shows that service of notice is effected after November, 2020.

3. Learned Chief Presenting Officer seeks time for filing affidavit in reply. Time granted.

4. S.O. to 05.07.2021.

**MEMBER (J)**

ORAL ORDERS 9.6.2021-HDD

**Date : 09.06.2021**

**ORIGINAL APPLICATION NO. 261/2021**

**(Ratan A. Suradkar V/s State of Maharashtra & Ors.)**

**Per :- Standing directions of Hon'ble Chairperson, M.A.T., Mumbai**

1. Shri M.R. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 8.7.2021. The case be listed for admission hearing on 8.7.2021.
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**