

ORIGINAL APPLICATION NO.682/2019
(Vishal Aadmane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 09.08.2021
ORAL ORDER :

Heard Shri Santosh B. Bhosle, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent.

2. Learned Advocate for the applicant as well as the learned P.O. have argued the case at some length. In the instant case one Shri Vithal Aadmane passed away on 22nd May, 2006. The deceased employee had two wives both surviving. The applicant is the son of the first wife. His step brother one Shri Vikas Aadmane had applied on 4th July, 2006 for employment on compassionate ground without consent of two wives of the deceased employee. There was dispute in family about the heirship right for which the two wives contested a Civil Suit No.08/2017 by which the right to avail appointment on compassionate ground was allotted by the court to the applicant in the O.A. Accordingly, the applicant submitted his application for appointment on compassionate ground on 30th July, 2018 which has been adjudicated by the respondent no.2 being time barred.

3. Learned Advocate for the applicant claims that the application of Shri Vikas Aadmane was pending for compliance and during this pendency period, Civil Suit No.08/2017 was filed to adjudicate rights of two wives,

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O.A.NO.682/2019

their children and legal heirs. After judgment and decree in the Civil Suit Shri Vishal Aadmane son of first wife of the deceased had applied in place of Shri Vikas Aadmane for consideration as eligible candidate for appointment on compassionate ground. However, learned Advocate for the applicant has not enclosed any evidence that the applicant Shri Vishal Aadmane had submitted his application during the pendency of application of Shri Vikas Aadmane for compliance as directed by respondent no.2.

4. Learned P.O. for respondent nos.1 and 2 had maintained his arguments as mentioned in reply to the O.A. and asserting that the application of the applicant is time barred. However, his attention has been drawn towards Clause (10)(₹) of Exhibit R-1 Government Resolution in General Administration Department, Mantralaya, Mumbai dated 21st September, 2017 by which authorities may condone delay in case of applicant who attains majority at a later stage under Clause (10)(₹) of the said G.R.

5. The matter be treated as part heard.

6. S.O. to 31-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.876/2019
(Ishwar Chavan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.08.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant, Shri N.U.Yadav, learned Presenting Officer for the respondent nos.1 and 2 and Shri S.R.Sapkal learned Advocate for respondent no.3.

2. Learned P.O. has referred to enquiry report by the Sub Divisional Magistrate dated 20th July, 2017 Annexure A-8, paper book page 40 and second enquiry report dated 26th August, 2019 marked as Annexure A-13, paper book page 49. Learned P.O. further submits that for selection of Police Patil, the criteria for determining place of ordinary residence is determined by the Representation of Peoples Act, 1950 Section 20 and as such it is important to examine the two reports prepared by the authority under the provisions of Representation of Peoples Act, 1950.

3. Learned P.O. for the respondents also seeks time to get instructions from the respondents as to whether entry in ration card, Adhaar Card, Voter's ID Card or any other document used as a proof of residence for the purpose of KYC by banking institutions for the purpose of participation in election as a voter or driving license etc. have been used by Enquiry Officer or not.

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O.A.NO.876/2019

4. Learned Advocate for the respondent no.3 i.e. a private respondent has not filed his reply so far. He seeks one opportunity for submission of his arguments through affidavit.

5. Learned Advocate for the respondent no.3 has further requested for tagging another O.A. filed by him having O.A.No.916/2019 and requested to tag the same with this the present O.A.

6. As the learned Advocate for the applicant as well as the learned Presenting Officer have no objection, the O.A.No.916/2019 be tagged together with this O.A.

7. This case be treated as part heard.

8. S.O. to 20-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.939/2016
(Rajendra Salvi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.08.2021

ORAL ORDER :

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

2. Learned P.O. seeks time to take instructions from the Government and regarding compliance of affidavit filed by Shri Nitin Ramchandra Gadre, Principal Secretary (Accounts & Treasuries), Finance Department, Mantralaya, Mumbai i.e. respondent no.1.

3. S.O. to 01-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 640 OF 2019
(Pradeep M. Kaushike Vs. the State of Maharashtra & Ors.)

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

DATE : 9.8.2021

ORAL ORDER :

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

2. The preset case is already part heard.

3. At the request and by consent of both the parties, S.O. to 12.8.2021. Part heard.

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

ORIGINAL APPLICATION NO. 142 OF 2021
(Santosh D. Chatupale (Zalte) Vs. the State of Maha. & Ors.)

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

DATE : 9.8.2021

ORAL ORDER :

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

2. Learned advocate for the applicant submitted that entries in the impugned order of the applicant dated 31.10.2017 and subsequent stay to suspension order dated 1.11.2017 are taken in service book of the applicant on different pages, which is in contravention of the rules. However, those documents are not produced on record. Learned Advocate for the applicant seeks time to produce those documents on record by obtaining the necessary copies from the respondents. Time granted.

3. S.O. to 9.9.2021.

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

M.A.NO. 234/2021 IN O.A.NO. 285/2021
(Hemant S. Patil Vs. the State of Maharashtra & Ors.)

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

DATE : 9.8.2021

ORAL ORDER :

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

2. By this Miscellaneous Application the applicant is seeking permission of this Tribunal to join Shri Ravindra Narsinh Deshmukh, Police Inspector, Shirpur City Police Station, Dhule as a party respondent No. 3 in the Original Application, who has taken charge of the post held by the applicant during pendency of the Original Application. In view of the same, the proposed respondent No. 3 is likely to be affected if order in favour of the applicant in the Original Application is passed. Hence, the proposed respondent No. 3 would be necessary party.

3. In the result, the present M.A. is allowed. The applicant is permitted to join Shri Ravindra Narsinh Deshmukh, Police Inspector, Shirpur City Police Station, Dhule as a party respondent No. 3 with necessary amendment in the Original Application.

4. Learned Advocate for the applicant submits that he would carry out the necessary amendment in the present Original Application forthwith.

5. After carrying out the necessary amendment by the applicant in the Original Application, issue notice to the added respondent No. 3, returnable on 13.8.2021.

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

7. 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.

8. 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.

9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the

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**M.A.NO. 234/2021 IN
O.A.NO. 285/2021**

Registry before due date. Applicant is directed to file affidavit of compliance and notice.

10. S.O. to 13.8.2021.

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

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

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

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

DATE : 9.8.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed short affidavit and the same is taken on record and copy thereof has been served on the learned Presenting Officer for the respondents.

3. At the request and by consent of both the parties, S.O. to 25.8.2021 for final hearing.

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

**ORIGINAL APPLICATION NO. 236 OF 2021
(Vikram B. Garje Vs. the State of Maharashtra & Ors.)**

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

DATE : 9.8.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the draft amendment is ready with requisite documents and prayers. Learned Registrar of this Tribunal to take steps to carry out the amendment in the present Original Application.

3. S.O. to 1.9.2021.

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

M.A.NO. 111/2018 IN O.A.ST.NO. 412/2018
(Abdul Rakhip Vs. the State of Maharashtra & Ors.)

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

DATE : 9.8.2021

ORAL ORDER :

Heard Shri Sandip Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 14.9.2021.

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

M.A.NO. 270/2018 IN O.A.ST.NO. 1034/2018
(Pandurang B. Nilewar Vs. the State of Maharashtra & Ors.)

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

DATE : 9.8.2021

ORAL ORDER :

Heard Shri Sandip Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 14.9.2021.

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

ORIGINAL APPLICATION NO. 235 OF 2021
(Hirasingh K. Chandelthakur Vs. the State of Maha. & Ors.)

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

DATE : 9.8.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 9.9.2021 for enabling him to file affidavit in reply.

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

ORIGINAL APPLICATION NO. 115 OF 2021
(Kadubai S. Gaikwad Vs. the State of Maharashtra & Ors.)

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

DATE : 9.8.2021

ORAL ORDER :

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

2. Learned Presenting Officer submits that para-wise remarks are ready and he seeks time for filing affidavit in reply. Time granted.

3. S.O. to 7.9.2021.

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

ORIGINAL APPLICATION NO. 263 OF 2020
(Ravindra M. Kamble Vs. the State of Maharashtra & Ors.)

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

DATE : 9.8.2021

ORAL ORDER :

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

2. The preset case is pertaining to grant of exemption from passing departmental examination on completion of 15 years' service in view of the Government Resolution dated 1.3.2018 issued by the G.A.D.

3. Pleadings up to rejoinder affidavit in this case are complete. In view of the same, the present case is admitted and fixed for final hearing on 8.9.2021.

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

**ORIGINAL APPLICATION NO. 337 OF 2020
(Avinash S. Adke Vs. the State of Maharashtra & Ors.)**

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

DATE : 9.8.2021

ORAL ORDER :

Smt. Punam Mahajan, learned Advocate for the applicant has filed leave note.

Heard Shri Vivek Pingle, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time. Time granted.
3. S.O. to 27.8.2021.

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

ORIGINAL APPLICATION NO. 380 OF 2021
(Prabhakar A. Bhagat Vs. the State of Maharashtra & Ors.)

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

DATE : 9.8.2021

ORAL ORDER :

Heard Shri S.S. Pidgewar, learned Advocate holding for Shri N.L. Choudhary, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that though the order of retirement of the applicant is challenged in the present Original Application the said document is not produced on record. He seeks liberty of this Tribunal to produce the said document on record. Liberty as prayed for by the learned Advocate for the applicant is granted.

3. Issue notice to the respondents, returnable on 15.9.2021.

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

5. 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

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would be taken up for final disposal at the stage of admission hearing.

6. 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.

7. 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.

8. S.O. to 15.9.2021.

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

MEMBER (J)

ORAL ORDERS 9.8.2021-HDD

ORIGINAL APPLICATION NO. 523 OF 2020

(Rajkumar G. Sonawane Vs. State of Maharashtra & Ors.)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.08.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks one week's time for filing affidavit in reply on behalf of respondents stating that para-wise remarks are already ready. Time is granted.

3. S.O. to 18.08.2021.

4. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

**C.P. No. 21/2019 in O.A. St. No. 1857/2017
(Vasant N. Phad Vs. State of Maharashtra & Ors.)**

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

DATE : 09.08.2021

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent No. 3 and Shri S.B. Mene, learned Advocate for respondent Nos. 1 and 2.

2. Learned Advocate for the applicant has placed on record precipie stating that in O.A. St. No. 1857/2017, the Executive Engineer, Minor Irrigation Sub Division, Circle, Parali Vaijanath was joined as respondent No. 4, but the said post is of Superintending Engineer and not of Executive Engineer and therefore, instated of original respondent No. 4, herein respondent No. 2 who is Superintending Engineer, Irrigation Circle, Parali (Vai), Dis. Beed has been joined. It stated to have been explained about it in last paragraph of the present C.P. Accordingly, this precipie is taken on record.

//2// C.P. 21/2019 in
O.A. St. 1857/2017

3. Learned Advocate for respondent Nos. 1 and 2 has placed on record a copy of communication dated 29.06.2021 received from the respondent No. 1 herein in the C.P. who was respondent No. 3, in the O.A. As per this communication the respondent No. 3 is not having power to take decision about the monetary relief and as such, the said authority has made communication with his superior for seeking guidelines. In view of the same, learned Advocate for respondent Nos. 1 and 2 submits that the representation in question referred in the order dated 04.01.2018 in the O.A. St. No. 1857/2017 is complied with.

4. At the request of learned Advocate for the applicant, S.O. to 02.09.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 33/2019 in O.A. No. 678/2017
(Makrand S. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Smt. A.N. Ansari, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 03.09.2021.

MEMBER (A)

MEMBER (J)

**C.P. 35/2019 in O.A. 59/2017 in O.A. 273/2017
(Vishwanth B. Baswante & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 09.08.2021

ORAL ORDER :

Shri V.P. Golewar, learned Advocate for the applicants (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 06.09.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 04/2020 in O.A. No. 333/2017
(Dr. Shital A. Soni Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Shri J.S. Dehmukh, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. As none present for the applicant, S.O. to 16.09.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 05/2020 in O.A. No. 336/2017
(Dr. Yogesh V. Solanke Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Shri J.S. Dehmukh, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 4. Shri M.S. Taur, learned Advocate for respondent No. 5, **absent**.

2. Await service of notice on the respondents.

3. As none present for the applicant, S.O. to 16.09.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 06/2020 in O.A. No. 332/2017
(Dr. Anil S. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Shri J.S. Dehmukh, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 4. Shri V.P. Narwade, learned Advocate for respondent No. 5, **absent**.

2. Await service of notice on the respondents.

3. As none present for the applicant, S.O. to 16.09.2021.

MEMBER (A)

MEMBER (J)

**C.P. No. 20/2020 in O.A. No. 326/2019
(Prakash B. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 09.08.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit in C.P. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 08.09.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 19/2020 in O.A. No. 704/2017

(Asman D. Garje & Ors.Vs. State of Maharashtra & Ors.)

WITH

C.P. No. 27/2020 in O.A. No. 749/2017

(Mohd. Abdul Hai Mohd. Abdul Gani & Ors.Vs. State of Maharashtra & Ors.)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 09.08.2021

ORAL ORDER :

Heard Shri P.D. Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicants in both the cases and Shri V.R. Bhumkar & Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respondents.

2. Learned Presenting Officer has placed on record a copy of communication dated 01.04.2021 received from the P.W.D. Mantralaya. Same is taken on record and marked as document 'X' for the purpose of identification. He submits that the common order in question dated 18.12.2019 passed by this Tribunal in O.A. Nos. 704/2017 & 749/2017 is challenged by the respondents by filing W.P. Nos. 1683/2021 & 1684/2021 and the notices have been issued.

3. In view of the same, the present matters are adjourned to 08.10.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 02/2021 in O.A. No. 984/2018
(Jaiprakash L. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Smt. Aunita A. Gadekar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.D. Dhongde, learned Advocate for respondent No. 4.

2. At the request made on behalf of the respondents, S.O. to 28.10.2021.

MEMBER (A)

MEMBER (J)

**M.A. No. 16/2020 in O.A. St. No. 2416/2019
(Sunil L. Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 09.08.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 28.09.2021.

MEMBER (A)

MEMBER (J)

**M.A. No. 23/2021 in O.A. St. No. 460/2020
(Jaganath S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 09.08.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks permission to withdraw the present M.A. with liberty to file fresh on same cause of action. The present M.A. is filed for seeking amendment in the O.A. He submits that he wants to go through the proposed amendment to be made in O.A.

3. In view of above, permission is granted to withdraw the M.A. with liberty to file fresh on same cause of action. Accordingly, M.A. No. 23/2021 stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

**M.A. No. 212/2021 in O.A. No. 694/2018
(Somnath S. Reddy Vs. State of Maharashtra & Ors.)**

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

DATE : 09.08.2021

ORAL ORDER :

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

2. Record shows that in our order dated 28.07.2021 passed in the present matter, we have referred modified ad-interim relief order dated 21.01.2021 passed by this Tribunal, whereby the respondents were permitted to promote the eligible officers on the post of Deputy Director (Statistics) subject to outcome of this Original Application. As well as, in view of the statement of learned C.P.O., the respondents are not going to promote anybody who are junior to the present applicant. At that time, time was granted for filing affidavit in reply. However, today no affidavit in reply is filed in the present M.A. No. 212/2021, where the applicant is seeking interim relief in view of provisional seniority list dated 23.07.2021 (Annexure

//2//

M.A. 212/2021 in
O.A. No. 694/2018

A-3) published during the pendency of the Original Application No. 694/2018.

3. Learned Advocate for the applicant specifically submits that this provisional seniority list is yet to be finalized. The applicant has filed his objections to the said provisional seniority list on 06.08.2021.

4. In view of the same, in our considered opinion, if the promotion orders are issued on the basis of seniority list dated 23.07.2021 (Annexure A-3), possibility cannot be ruled out, rights of the applicant would be affected adversely. In view of the same, at this stage, we grant ad-interim relief in terms of prayer clause 15 (B) of M.A. No. 212/2021 till filing of the affidavit in reply by the respondents.

5. S.O. to 06.09.2021 for filing affidavit in reply on behalf of respondents.

MEMBER (A)

MEMBER (J)

C.P. No. 02/2016 in O.A. No. 344/2014
(The Association of Technical Assistant Through its
President Tukaram D. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

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

2. The present C.P. is filed alleging that the respondents have not complied with the order dated 05.12.2014 passed in O.A. No. 344/2014. Operative part of the said order is as follows:-

“11..... We therefore, dispose of this O.A. by directing the respondents that they should be considered for grant of time bound promotion as well as benefits of the assured promotion scheme by exempting them from passing of the professional examination as required under Rule 3 sub Rule (a) of the 1998 Recruitment Rules for Junior Engineers on reaching 45 years' age, provided that the applicants meet all other criteria as per Schemes of time of bound promotion.”

3. Learned Presenting Officer submits that the said order has been complied with by the respondents by issuing G.R. dated 16.09.2016, which is at paper book

//2//

C.P. 02/2016 in
O.A. 344/2014

page No. 208 of C.P. along with affidavit in reply at page No. 203 of paper book.

4. Learned Advocate for the applicant concedes that the order in question is complied with by the respondents.

5. In view of the above, the C.P. stands disposed of being complied with in view of G.R. dated 16.09.2016 issued by the Water Resources Department. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

**M.A. No. 69/2019 in O.A. St. No. 323/2019
(Sarika B. Patole Vs. State of Maharashtra & Ors.)**

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

DATE : 09.08.2021

ORAL ORDER :

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

2. During arguments advanced on behalf of the applicant, it is stated that the applicant has obtained documents, which are produced at Exhibit-A (page No. 13 paper book), Exhibit-B (Page No. 14 of paper book), Exhibit-D (page No. 17 of paper book), Exhibit-E (Page No. 23 of paper book) & Exhibit-F (page No. 30 of paper book) annexed to the O.A. under R.T.I. However, perusal of the said documents would not reflect that those documents were obtained under R.T.I.

3. In view of above, the applicant is directed to clarify and to submit supporting document/s on the next date of hearing.

4. S.O. to 03.09.2021.

MEMBER (A)

MEMBER (J)

M.A.NO.183 OF 2021 IN O.A.NO.299 OF 2019
(Payal P. Tathe Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Issue notices to the respondents in M.A.No.183/2021, returnable on 08.09.2021.

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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M.A.183/21 IN O.A.299/2019

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 08.09.2021.

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

9. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.57 OF 2018
(Shri Uttam T. Dabhade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the Applicants and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Due to paucity of time, S.O. to 24.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.406 OF 2018
(Shri Arun S. Gosavi Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Due to paucity of time, S.O. to 25.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.682 OF 2018
(Shri Rahul S. Shirsath Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 25.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.849 OF 2018
(Dr. Vinod A. Kakade Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Heard Shri Santosh G. Chapalgaonkar, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Due to paucity of time, S.O. to 24.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.927 OF 2018
(Shri Shamrao N. Kadam & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Heard Shri Vilas P. Savant, learned Advocate for the Applicants and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Due to paucity of time, S.O. to 18.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 09.08.2021

ORAL ORDER :

Heard Shri Vinod N. Rathod, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Due to paucity of time, S.O. to 27.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.1102 OF 2019
(Shri Rajendra L. 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 : 09.08.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicants, Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos.1 to 3 and Shri S.D. Joshi, learned Advocate for the Respondent Nos.8 & 9. Smt. Punam Mahajan, learned Advocate for the Respondent Nos.4 to 6 has filed **leave note**. None appears for Respondent No.7, though duly served.

2. Due to paucity of time, S.O. to 27.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.187 OF 2020
(Smt. Basanti J. Padavi Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Heard Shri S.U. Chaudhari, learned Advocate for the Applicants and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Due to paucity of time, S.O. to 11.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.105 OF 2017
(Shri Nagesh S. Mapari Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Heard Shri A.S. Deshmukh with Shri G.K. Kshirsagar, learned Advocates for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondent Nos.1 & 2. Shri S.G. Kawade, learned Advocate for the Respondent Nos.4,5 & 10 (**absent**). None appears for Respondent Nos.3, 6 to 9 and 11 to 15.

2. During the course of argument, learned P.O. produces on record the copy of communication dated 23.07.2021 received from Respondent No.1 as well as G.R. dated 23.07.2021 issued by School Education and Sports Department. These documents are marked as document 'X' collectively for the purpose of identification. These documents are to be considered for final order.

3. The present case is closed for order.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.813 OF 2017
(Shri Nagesh M.Phad Vs. State of Maharashtra & Ors.)

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

DATE : 09.08.2021

ORAL ORDER :

Heard Shri Vivek Bhavthankar, learned Advocate for the Applicant, Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos.1 to 3 and Shri Vijay B. Patil, learned Advocate for the Respondent No.4.

2. The present case is closed for order.

MEMBER (A)

MEMBER (J)

Date :09.08.2021

ORIGINAL APPLICATION NO.379 OF 2021

(Shri Ravindra B. Rathod V/s The State of Maharashtra & Ors.)

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

1. Shri Suresh Pidgewar, Id. Advocate holding for Shri N.L. Choudhari, Id. Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, Id. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 15.09.2021. The case be listed for admission hearing on 15.09.2021.
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

Date :09.08.2021

ORIGINAL APPLICATION NO.361 OF 2021

(Shri Madhukar G. Misal V/s The State of Maharashtra & Ors.)

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

1. Shri A.S. Mirajgaonkar, ld. Advocate holding for Shri C.V. Dharurkar, ld. Advocate for the applicant and Shri I.S. Thorat, ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 03.09.2021. The case be listed for admission hearing on 03.09.2021.
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

Date :09.08.2021

ORIGINAL APPLICATION NO.367 OF 2021

(Shri Ganpat M. Khokale V/s The State of Maharashtra & Ors.)

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

1. Shri A.S. Mirajgaonkar, ld. Advocate holding for Shri C.V. Dharurkar, ld. Advocate for the applicant and Smt. M.S. Patni, ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 03.09.2021. The case be listed for admission hearing on 03.09.2021.
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

Date :09.08.2021

M.A.NO.239/2021 IN O.A.ST.NO.366/2021

(Shri Nandu D. Bhalerao V/s The State of Maharashtra & Ors.)

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

1. Shri S.M. Pathan, Id. Advocate for the applicant and Shri V.R. Bhumkar, Id. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A.No.239 of 2021, returnable on 15.09.2021. The case be listed for admission hearing on 15.09.2021.
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