

**ORIGINAL APPLICATION NO.1048/2023**

**(Muladharan Prkalpgrasth Kruti Samiti, Ahmednagar, Through its Secretary Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman  
AND**

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri Prateek R. Talwar, learned Counsel holding for Shri Ajit B. Kale, learned Counsel for the applicant and Shri B.R.Survase, learned Special Counsel for all the respondent authorities, are present.

2. Learned Counsel Shri B.R.Survase submits that he has instructions to appear on behalf of all the respondents. He has tendered memo of appearance. Same is taken on record. Learned Counsel seeks time to file affidavit in reply in the matter. Time is granted.

3. Though the respondent no.2 is shown to be not served, learned Counsel for the applicant submits that the said respondent has been already served and the service affidavit has been filed in that regard in the office.

4. S.O. to 26-02-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.610/2023**  
**(Shridhar R. Kundatwad Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

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

2. Time is sought by the learned P.O. for filing affidavit in reply on behalf of the respondents. Granted by way of last chance till 21-02-2024. If reply is not filed on or before the said date, matter will be heard without reply of the respondents.

3. S.O. to 21-02-2024.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**C.P.NO.12/2024 IN O.A.NO.265/2017**  
**(Dr. Suresh M. Karamunge Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri B.P.Gonare, learned Counsel holding for Shri I.D.Maniyar, learned Counsel for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities and Shri S.G.Kulkarni, learned Counsel holding for Shri P.R.Tandale, learned Counsel for respondent no.4, are present.

2. Learned Counsel for the petitioner on instructions submits that the order passed by this Tribunal, contempt of which is alleged in the present petition, has been complied with by the respondents. As such the present petition can be disposed of by recording the said fact. In view of submission of learned Counsel for the petitioner, the following order is passed:

**ORDER**

Contempt petition stands disposed of since the order, contempt of which is alleged, has been complied with. No costs.

**MEMBER (A)**

YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.601/2023**  
**(Santosh S. Kasbe Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**  
**ORAL ORDER :**

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

2. Learned P.O. has sought time to file affidavit in reply. Request is opposed by the learned Counsel appearing for the applicant stating that the respondents are served in the month of July, 2023. In the interest of justice last chance is granted till 15-02-2024, if reply is not filed on or before the said date, matter will be heard without reply of the respondents.

3. S.O. to 15-02-2024.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**C.P.NO.31/2023 IN O.A.NO.603/2021**  
**(Sumit G. Dongre & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**  
**ORAL ORDER :**

Shri A.V.Thombre, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has submitted affidavit in reply on behalf of respondent no.3. Same is taken on record. Copy is given to the other side.
3. List the matter for hearing on 23-02-2024.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**M.A.NO.255/2023                      IN                      M.A.ST.817/2023                      IN**  
**O.A.NO.227/2023**  
**(Malhari Eknath Mane & Ors. Vs. State of Maharashtra & Ors.)**  
**WITH**  
**ORIGINAL APPLICATION NO.449/2023**  
**(Chandan D. Kulkarni & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri A.R.Tapse, learned Counsel holding for Shri P.D.Suryawanshi, learned Counsel for applicant in O.A.No.449/2023, Shri A.B.Rajkar, learned counsel for the applicants in M.A.No.255/2023 and for applicants/intervenors in M.A.No.216/2023, Shri Harish S. Bali, learned Counsel for the applicants/intervenors in M.A.St.No.817/2023, Shri S.R.Sapkal, learned Counsel for the applicant in O.A.No.227/2023 and Shri S.G.Kulkarni, learned Counsel holding for Shri Ajay Deshpande, learned Special Counsel for respondent authorities, are present.

2. In the present matter learned Special Counsel appearing for respondent nos.1 and 2 submits that these respondents are not desiring to file any reply to the O.A.

3. Hence, list the matter for hearing on 28-02-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.702/2022**  
**(Nitin S. Hagare Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**  
**ORAL ORDER :**

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

2. Though due opportunities are availed by the respondents till date reply is not filed. Today against time is sought for filing reply. Request is rejected.

3. List the matter for hearing on 04-03-2024.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.946/2023**  
**(Nivrutti S. Jori Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

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

2. Learned PO has filed affidavit in reply on behalf of respondent nos.1 to 4. It is taken on record. Copy thereof has been supplied to other side.
3. S.O. to 29-02-2024.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO.905/2022 & 906/2022  
(Dr. Ansari Shehnaz Begum & Dr. Ratnakar D. Tandale Vs.  
State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman  
AND  
Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri J.S.Deshmukh, learned Counsel for the applicants and Smt. Deepali Deshpande & Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned PO has tendered affidavit in reply on behalf of respondent nos.1 to 3 in O.A.No.905/2022. It is taken on record. Copy thereof is supplied to the other side.

3. List the matter for hearing on 13-02-2024.

**MEMBER (A)**

YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.925/2023**  
**(Dr. Suhas M. Pawar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**  
**ORAL ORDER :**

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

2. On request of learned CPO, last chance is granted for filing affidavit in reply till 13-02-2024. If reply is not filed on or before the said date, the matter will be heard without reply of the respondents.

3. S.O. to 13-02-2024.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**M.A.NO.454/2023            IN            C.P.NO.46/2018            IN**  
**O.A.NO.207/2015**  
**(Balika D. Tawshikar Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri V.Y.Patil, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned CPO has tendered separate affidavits in reply on behalf of the respondent nos.1 and 2. Same are taken on record. Copies are given to the learned Counsel for the applicant.

3. List the matter for hearing on 04-03-2024.

**MEMBER (A)**

YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.1046/2023**  
**(Wasimakram Hakim Shaikh Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

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

2. Learned P.O. seeks time for filing reply by way of last chance. Granted till 15-02-2024. If reply is not filed on or before the said date, matter will be heard without reply of the respondents.

3. S.O. to 15-02-2024.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**C.P.NO.52/2023 IN O.A.NO.445/2020**  
(Narshing N. Mudiraj Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri V.B.Dhage, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Not on board. Taken on board.
3. On request of learned Counsel for applicant, issue notice to respondent no.2, returnable on 09-02-2024.
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 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 09-02-2024.
9. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.246/2023**  
**(Dr. Chandrakant Wagh Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**  
**ORAL ORDER :**

Shri V.B.Wagh, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Despite granting last chance, respondents have failed in filing the affidavit reply. Hence, S.O. to 20-02-2024 for hearing.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**M.A.NO.277/2023 IN O.A.NO.320/2020**  
**(Santosh Dhongade Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**  
**ORAL ORDER :**

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

2. Learned Counsel on instructions received from the applicant seeks leave to withdraw the M.A. Hence, the following order:

**ORDER**

M.A. stands disposed of since withdrawn. No costs.

3. List the O.A. for hearing on 07-03-2024.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**C.P.NO.03/2023 IN O.A.NO.658/2018**  
**(Raosaheb S. Bangar Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri B.P.Gonare, learned Counsel holding for Shri I.D.Maniyar, learned Counsel for the applicant, Shri M.P.Gude, learned Presenting Officer for the respondent authorities, Shri S.D.Dhongde, learned Counsel for respondent no.2 and Shri Shamsunder B. Patil, learned Counsel for respondent no.3, are present.

2. When the present matter is taken up for consideration, learned Counsel appearing for respondent no.3 has tendered across the bar two communications; first is communication from the Indian Audit and Accounts Department and another particulars of the amount paid to the applicant. Documents are taken on record. Learned Counsel for the applicant is not present today.

3. List the matter for further consideration on 05-02-2024.

**MEMBER (A)**

YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**



**C.P.ST.NO.58/2024 IN O.A.NO.633/2022**  
**(Dr. Sanjay B. Dhage Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**  
**ORAL ORDER :**

Shri Shamsunder B. Patil, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Office has raised objection that the required notices in person are not issued by the applicant. Hence, the case be removed from board.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.07/2024**  
**(Vilas R. Ghule Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**  
**ORAL ORDER :**

Heard Shri C.V.Dharurkar, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that after his retirement, he has been served with the statement of charge under provisions of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 and the charges which are raised in the said charge memo pertain to the misconduct allegedly committed by the applicant in the year 2005-2006. Learned Counsel in the circumstances has prayed for staying the further enquiry proceeding till decision of the O.A. Learned Counsel submits that on the date of his superannuation, applicant was neither under suspension nor any communication was received in so far as the alleged misconduct is concerned. In the circumstances, it has been argued that no enquiry under the

=2=

O.A.NO.07/2024

provisions of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 can be conducted and that too for the misconduct allegedly committed in the year 2005-2006 i.e. beyond the period of 4 years.

3. Learned CPO submits that without instructions it is not possible for him to make any statement and sought time to file reply.

4. Having considered the submissions advanced by the learned Counsel, departmental enquiry initiated against the applicant, apparently, appears to be contrary to the provisions of law. In the circumstances following order is passed:

ORDER

[i] issue notice to respondents, returnable on 22-02-2024. **Till then the respondents shall not proceed with the D.E. initiated against the applicant.**

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

[iii] Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper

=3=

O.A.NO.07/2024

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.

[iv] 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.

[v] 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.

[vi] S.O. to 22-02-2024.

[vii] Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**C.P.NO.49/2023 IN O.A.NO.315/2019**  
(Jeevan G. Shinde Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

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

2. Learned CPO submits that the order has been partly complied with and with regard to financial matter guidance is sought from the Finance Department, however, no document is placed on record by the learned CPO nor affidavit in reply is filed by the competent person. We direct the respondents to place on record all the documents i.e. process undertaken by the respondents for compliance of the order passed by this Tribunal and also file affidavit in reply by the next date or else the person concerned who is liable to comply the order will be issued with notice under the Contempt of Courts Act.

3. S.O. to 14-02-2024.

**MEMBER (A)**  
YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.80/2024**  
**(Vishal A. Dhole Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Heard Shri Vishal A. Dhole – applicant party in person and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Applicant has appeared for the post of Deputy Director, Agriculture & ADF Department. Applicant claims to be belonging to differently abled (दिव्यांग) category. In the advertisement issued on 18-02-2022 one post is shown to be reserved for persons falling in the category of differently abled persons for the aforesaid post of Deputy Director. Applicant submitted that he falls in the category of persons suffering from mental illness and has also produced on record disability certificate in that regard.

3. It is the grievance of the applicant that the respondents without giving an opportunity of hearing and without calling any say of the applicant have kept the candidature of the applicant out of consideration and as has been informed by the

=2=

O.A.NO.80/2024

respondents orally that the applicant has not been considered for the subject post since he is not possessing the permanent disability certificate but is holding temporary disability certificate. According to the applicant the respondents could not have kept the candidature of the applicant out of consideration. Applicant referred to the provisions under The Rights of the Persons with Disabilities Act, 2016 to buttress his contention that he falls in the said category.

4. On a query made by us to the applicant, whether any other person from the category of differently abled (दिव्यांग) persons has been recommended by MPSC for the said post, applicant informed that no one has been recommended by the MPSC from the said category and the said post reserved for differently abled (दिव्यांग) persons is lying vacant. The applicant submitted that the process of issuing appointment is in progress and hence has prayed for interim relief thereby restraining the respondents from appointing any other candidates on the said post from differently abled (दिव्यांग) category.

5. Learned CPO has sought time to take instructions and file affidavit in reply. Learned CPO, however, submitted that in the advertisement averments which are taken suggest that the candidate claiming reservation for that category i.e. of mental illness must be possessing the permanent disability certificate which the applicant is not possessing. According to the learned CPO, in the circumstances, there seems no case in favour applicant for grant of interim relief.

6. We have duly considered the submissions made on behalf of the applicant as well as the learned CPO. We have also gone through the documents placed on record. Today during the course arguments the applicant has tendered copy of disability certificate issued on 27-07-2021. Perusal of the said certificate apparently reveals that the disability certificate issued by competent authority is of temporary disability. In the advertisement, there is only requirement of disability certificate having disability more than 40%.

7. At this juncture, prima facie, it does not appear to us that the disability certificate which is



=4=

O.A.NO.80/2024

required by the authority concerned can be interpreted to mean that the temporary disability would also satisfy the criteria. However, it is the contention of the applicant appearing in person that such certificates are issued in this fashion only and according to him the illness is of permanent nature. Considering the submissions as are made and having regard to the documents placed on record, at this juncture, it is not possible to grant interim relief as has been prayed for by the applicant. However, the issue raised by the applicant requires consideration. In the circumstances, we deem it appropriate to pass the following order:

ORDER

- [i] Issue notice to respondents, returnable on 23-02-2024. **In the meanwhile, if the respondents make any appointment on the post of Deputy Director reserved for the candidates falling in the category of differently abled (दिव्यांग), the same shall be subject to outcome of the present O.A.**
- [ii] Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

=5=

O.A.NO.80/2024

[iii] 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.

[iv] 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.

[v] 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.

[vi] S.O. to 23-02-2024.

[vii] Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

YUK ORAL ORDER 29.01.2024

**VICE CHAIRMAN**

**M.A.NO. 158/2022 IN O.A.ST.NO. 1221/2021**  
**(Azrodding Maheboob Pinjari Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Heard Shri S.P. Dhoble, learned counsel holding for Shri N.L. Choudhari, learned counsel for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri B.G. Deshmukh, learned counsel for respondent No 8. None appears for respondent Nos. 5 to 7.

2. The present Misc. Application is filed seeking condonaion of delay, which has occasioned in filing the accompanying Original Application before this Tribunal.

3. In the O.A. the applicant has prayed for issuance of direction against the respondents to appoint him on the post of Police Constable at State Reserve Police Force Group VI, Dhule as per merit.

4. Applicant had applied for the subject post in pursuance of the advertisement issued on 05.02.2018. The learned counsel for the applicant submitted that the candidature of the applicant was not considered on some erroneous ground though the applicant was possessing merit and ought to have been selected for the subject

post. Learned counsel submitted that the applicant, therefore, approached the Hon'ble Bombay High Court by filing W.P. No. 3894/2019. Learned counsel further submitted that however, when the said W.P. was taken up for hearing the learned Additional Government Pleader raised preliminary objection about the jurisdiction and submitted that the applicant was having remedy of approaching the Administrative Tribunal. In view of the said objection, the Hon'ble Division Bench of the Bombay High Court disposed of the said W.P. by giving liberty to the applicant to file the proceeding before the appropriate forum by keeping all contentions open.

5. The aforesaid order was passed by the Hon'ble Bombay High Court on 11.02.2020. The applicant however, filed the O.A. on 01.09.2021. In the scrutiny the office of this Tribunal recorded the objection as about limitation also and in the circumstances, the applicant filed the present M.A. on 16.03.2022.

6. We have gone through the contents of the M.A. In view of the order passed by the Hon'ble Bombay High Court on 11.02.2020, the applicant was expected to approach this Tribunal at the earliest, at least within a reasonable period. However, the applicant took the period of more than one and half years to approach this

**:: - 3 - :: M.A. 158/22 IN O.A.ST. 1221/21**

Tribunal and M.A. has been filed almost after 02 years of the order passed by the Hon'ble Bombay High Court. In the entire M.A., no reason has been assigned by the applicant for not approaching this Tribunal for the period of more than one and half years. In absence of any reason assigned by the applicant for the delay of the period of more than one and half years, we are not inclined to condone the delay, which has occasioned in filing accompanying O.A. Hence, the following order: -

**ORDER**

- (i) The M.A. for condonation of delay is rejected. Consequently, the O.A. on stamp number also stands rejected.
- (ii) There shall be no order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A.NO. 115/2022 IN O.A.ST.NO. 138/2022**  
**(Mangesh Sanjay Vishwasu Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri V.R. Jain, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit to the M.A. and the same is taken on record and copy thereof has been served on the other side.

3. In view of the above, list the matter for hearing on 13.02.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 29.01.2024-HDD

**ORIGINAL APPLICATION NO. 757 OF 2022**  
**(Sunil Keshav Rodge Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri Shamsundar B. Patil, learned counsel holding for Smt. Aditi D. Warjekar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.02.2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 29.01.2024-HDD

**O.A.NO. 33/2022 WITH M.A.NO. 189/2023**  
**(Vitthal Narayan Kokulwar Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

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

2. Learned counsel appearing for the applicant seeks leave of this Tribunal to add Director of Technical Education, Mumbai, as respondent in the present matter. Leave granted as prayed for. The necessary amendment be carried out forthwith.

3. When the present O.A. is taken up for consideration and the learned counsel for the applicant is heard for some time by us, it is noticed that the order, which has been challenged by the applicant in the present O.A., the departmental appeal is provided against such orders and the applicant has very well availed the said remedy of filing appeal before the Appellate Authority.



4. From the facts as above, it is evident that the alternate efficacious remedy is available to the applicant. When the applicant filed the present O.A. the order of termination was not passed and served upon the applicant. The present O.A. has been filed on 10<sup>th</sup> January, 2022; whereas the order of termination/dismissal has been passed on 12<sup>th</sup> January, 2022. Now in the present matter the main prayer of the applicant is that the order of termination passed by respondent No. 1 be quashed and set aside. When the amendment was allowed by this Tribunal for incorporating the subsequent event that of termination and to add contextual prayer, no such issue cropped up and hence there appears no discussion in that regard in the first order passed by this Tribunal. However, after having noticed the fact as above, according to us, it would be appropriate to dispose of the present Original Application with the direction to respondent No. 2 to decide the appeal preferred by the present applicant within a particular timeframe. Hence, the following order is passed:-

**:: - 3 - :: O.A.NO. 33/2022 WITH  
M.A.NO. 189/2023**

**ORDER**

(i) Respondent No. 2 is directed to decide the appeal preferred by the present applicant on 31.01.2022 within a period of 8 weeks from the date of this order.

(ii) Needless to state that even after decision in the appeal by the first appellate authority, if some dispute subsists, the applicant is not precluded from approaching this Tribunal.

(iii) The Original Application stands disposed of in the aforesaid terms.

(iv) In view of the fact that the Original Application is disposed of, the M.A. No. 189/2023 also stands disposed of.

(v) There shall be no order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A.NO. 471/2022 IN O.A.NO. 579/2022**  
**(Dr. Satyavijay N. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

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

2. Learned counsel appearing for the applicant submits that the applicant does not wish to press the present M.A. and may be disposed of. Hence, the following order: -

**ORDER**

(i) The Misc. Application stands disposed of as not pressed by the applicant. There shall be no order as to costs.

(ii) The Original Application to come up for hearing on 14.02.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 774 OF 2018**  
(Narayan Damodar Nagtilak Vs. State of Maharashtra & Ors.)

**WITH**

**ORIGINAL APPLICATION NO. 777 OF 2018**  
(Suhas Shrikant Jewalikar Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Heard Shri Manish P. Tripathi, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities in both these matters.

2. Learned counsel appearing for the applicants, on instructions, seeks leave of this Tribunal to withdraw both these OAs. Hence, the following order: -

**ORDER**

Both the Original Applications stand disposed of since withdrawn. There shall be no order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 370 OF 2020**  
**(Shrimant Maroti Ture Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 06.02.2024 for further consideration.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 29.01.2024-HDD

**ORIGINAL APPLICATION NO. 1037 OF 2022**  
**(Vijaysing K. Wagh Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri A.M. Hajare, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.02.2024. The present matter has already been treated as part heard. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 29.01.2024-HDD

**ORIGINAL APPLICATION NO. 759 OF 2022**  
**(Manisha Arun Rashinkar Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri O.D. Mane, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06.02.2024. The present matter has already been treated as part heard.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 63 OF 2022**  
**(Sandeep Shivaji Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

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

2. S.O. to 04.03.2024 for final hearing.

**MEMBER (J)**

KPB ORAL ORDER 29.01.2024



**ORIGINAL APPLICATION NO. 363 OF 2022**  
**(Ranjit P. Ratnaparkhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri N.T. Tribhuwan, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 04.03.2024 for final hearing.

**MEMBER (J)**

**M.A. No. 529/2023 in O.A. No. 1112/2022**  
**(Mohammad Raza Khan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri M.B. Bharaswadkar, learned counsel for respondent No. 3, are present.

2. List the M.A. for hearing on 05.02.2024. Interim relief granted earlier in O.A. to continue till then.

**MEMBER (J)**

KPB ORAL ORDER 29.01.2024

**ORIGINAL APPLICATION NO. 514 OF 2021  
(Gautam G. Dhule Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Heard both the sides for some time.

3. Learned Presenting Officer has pointed out G.R. dated 28.05.2001 and Circular dated 05.03.2005 respectively to buttress her submission that only after submission of caste validity certificate the employee is required to be considered for promotion and the case of the applicant was considered in the DPC meeting dated 18.09.2012, when he has submitted caste validity certificate dated 10.08.2011 for the first time.

4. Learned counsel for the applicant has however submitted that G.R. dated 28.05.2001 is applicable to the Scheduled Tribe employees only and not to the Scheduled Caste employees and for that reason

//2//

O.A. No. 514/2021

when the said Mr. P.W. Kamble was promoted on the post of Circle Officer he was not asked to produce caste validity certificate, as Mr. P.W. Kamble and the applicant both are belonging to Scheduled Caste category.

5. Learned Presenting Officer seeks time to take specific instructions in this regard and produce on record the G.R., if any to the extent as discussed above. Time granted.

6. Learned counsel for the applicant also seeks time to place on record the Circular dated 10.03.1965. Time granted.

7. Part heard.

8. S.O. to 12.02.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 369 OF 2023**  
**(Madhavi S. Harne (Kale) Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Heard Shri S.S. Shinde, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Heard finally.
3. The present matter is reserved for orders.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 81 OF 2024**  
**(Ganesh M. Mupde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Heard Shri Mohit Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that in view of ensuing Parliamentary Election, the Election Commission of India has directed to take review to be undertaken before every election in all districts and all such officers should be posted out of their home districts or district where they have completed tenure of 3 years out of 4 years.

3. Learned counsel for the applicant submits that in view of the said directions, the Inspector General of Police has conducted the meeting with all the police personnel on 10.01.2024. The minutes of said meeting are placed on record which is marked as Annexure 'A-5'.

4. Learned counsel for the applicant submits that for more than 10 years the applicant, who is Police Sub-Inspector has served in Amravati region and

thereafter in the year 2022, he came to be transferred at Nanded District as Police Sub-Inspector. He was not posted at Police Station but he is posted at Control Room, Nanded. Learned counsel for the applicant submits that the applicant has not completed his tenure of 3 years at Nanded and secondly he was not posted in the Police Station meaning thereby he came to be posted at Non-executive post.

5. Learned counsel for the applicant submits that in view of the same, both the conditions as laid down by the Election Commission of India and as mentioned in the minutes of meeting (Annexure 'A-5') are not applicable so far as the transfer of the applicant is concerned. Learned counsel for the applicant submits that the applicant has not been joined his transferred post.

6. Learned Presenting Officer on instructions submits that the applicant has been relieved from the post at Nanded but he did not join at transferred place. He has been transferred on the recommendation of Police Establishment Board.

//3//

O.A. 81/2024

7. It appears that the home district of the applicant is Nanded and he has not completed 3 years since he has been transferred to Nanded in the year 2022. It is also not disputed that at Nanded he was posted at Control Room and not posted to Police Station as such.

8. In view of the directions given by the Election Commission of India pursuant to the ensuing Parliamentary Election and on careful perusal of the minutes of the meeting (Annexure 'A-5'), it appears that the mid-tenure transfer of the applicant from non-executive post to another district at this stage, prima-facie, appears to be unwarranted. Hence, the following order:-

**ORDER**

(i) Issue notice to respondents, returnable on 12.02.2024. **Till then interim relief in terms of prayer clause 'C' is granted, which is as follows:-**

**“(c) pending hearing and final disposal of present Original Application, operation, implementation and effect of recommendation dated 15/01/2024 issued by respondent No.2 recommending to transfer services of**



//4//

O.A. 81/2024

**applicant from Nanded District to Parbhani District may kindly be stayed and applicant may kindly be permitted to discharge his regular duties at his existing place of posting.**

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

(iii) 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.

(iv) 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.

(v) 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.

//5// O.A. 81/2024

(vi) Learned P.O. appears for all the respondents and seeks time to take instructions.

(vii) S.O. to 12.02.2024.

(viii) Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**ORIGINAL APPLICATION NO. 87 OF 2020**  
**(Rajendra B. Kamble Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Ms. Preeti R. Wankhade, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. In continuation with the order dated 14.12.2023, learned counsel for the applicant submits certain documents along with the list of documents. The same is taken on record and copy thereof is given to learned P.O. right now.

4. Learned counsel for the applicant submits that the documents submitted along with list are necessary for just disposal of the Original Application.

5. Learned Presenting Officer seeks time to go through the documents and take instructions from the concerned department, if it is necessary.

6. S.O. to 15.02.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 548 OF 2022  
(Dilip R. Bari Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

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

2. This is a part heard matter.

3. Learned P.O. submits that the record is yet not received.

4. At the request of learned P.O., S.O. to 13.02.2024 for further hearing.

5. The interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1113 OF 2022  
(Dinesh U. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

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

2. This is a part heard matter.

3. At the request of learned C.P.O., S.O. to 14.02.2024 for further hearing.

4. The interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 325 OF 2023**  
**(Aniket D. Kasar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri M.R. Deshmukh, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. on instructions submits that the respondent Nos. 1 to 4 are adopting the affidavit in reply filed on behalf of respondent No.5.

3. Pleadings completed. List the matter for admission hearing on 23.02.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 592 OF 2023**  
**(Preeti G. Morellu & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that the affidavit in reply on behalf of all the respondents will be filed during the course of the day.

3. List the matter for filing affidavit in rejoinder/for hearing on 06.02.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 773 OF 2023  
(Prasad K. Kamble Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri A.R. Jadhav, learned counsel holding for Shri K.G. Salunke, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that the respondent No.1 is adopting the affidavit in reply filed on behalf of respondent No.2.

3. Pleadings completed.

4. List the matter for admission hearing on 04.03.2024. The applicant is at liberty to file affidavit in rejoinder, if any.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 812 OF 2023  
(Dr. Ravindra K. Deshmukh Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri S.V. Suryawanshi, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Though the last chance is given, no affidavit in reply has been filed.

3. Learned P.O. submits that the draft reply is ready and sent for approval.

4. List the matter for hearing on 13.02.2024 with liberty to the respondents to file affidavit in reply as a last chance.

**MEMBER (J)**

**M.A.NO. 156 OF 2023 IN O.A.ST.NO. 601 OF 2023  
(Manisha M. Nikalje Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned counsel holding for Shri A.B. Rajkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.03.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**M.A.NO. 192 OF 2023 IN O.A.NO. 318 OF 2023  
(Mohammad Sarvar Abdul Gani Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned counsel holding for Shri A.B. Rajkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.03.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**M.A.NO. 335 OF 2023 IN O.A.ST.NO. 1123 OF 2023  
(Amreen Begum Shaikh Abdul Aziz Vs. State of  
Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri S.V. Suryawanshi, 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 13.02.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**ORIGINAL APPLICATION NO. 473 OF 2022**  
**(Satish V. Mote Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks leave to file affidavit in reply on behalf of all the respondents for which the other side has no objection.

3. Learned P.O. submits affidavit in reply on behalf of all the respondents. The same is taken on record and copy thereof is given to learned counsel for the applicant.

4. Learned counsel for the applicant seeks time to go through the reply and file affidavit in rejoinder, if so required.

5. S.O. to 21.03.2024 for filing affidavit in rejoinder/ for hearing.

**MEMBER (J)**

**O.A.NOs. 626/2022, 935/2022, 936/2022,  
1152/2022, 83/2023, 112/2023, 113/2023,  
226/2021, 589/2021  
(Darshan D. Kale & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

S/Shri S.B. Mene, holding for M.B. Kolpe, K.G. Salunke, V.Y. Patil, Mirza Mazhar J. Baig, respective learned counsel for the applicants in respective O.As. and S/Shri D.R. Patil, N.U. Yadav, I.S. Thorat, Smt. Sanjivani K. Deshmukh-Ghate, respective learned Presenting Officers for the respondent authorities in respective O.As., are present.

Shri P.S. Gaikwad, learned counsel for the applicant in O.A.No. 226/2021 and Ms. Rakhi V. Sundale, learned counsel for applicant in O.A.No. 589/2021, are **absent**. Shri Amit S. Dhongde, learned counsel for respondent No.3 in O.A.No. 83/2023 has filed a **leave note**.

2. By consent of both the sides, S.O. to 04.03.2024 for hearing/final hearing.

**MEMBER (J)**

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

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

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

2. By consent of both the sides, S.O. to 23.02.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**ORIGINAL APPLICATION NO. 550 OF 2021**  
**(Shobha S. Bidhe & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri C.V. Dharurkar, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 23.02.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas



**ORIGINAL APPLICATION NO. 686 OF 2022  
(Shaikh Musa Shaikh Mohiddin Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri H.M. Shaikh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.04.2024 for hearing.

3. The date is given as requested by learned counsel for the applicant.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**ORIGINAL APPLICATION NO. 114 OF 2023**  
**(Gopal D. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri H.M. Shaikh, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 19.03.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**ORIGINAL APPLICATION NO. 611 OF 2017**  
**(Nagnath G. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri S.D. Dhongde, learned counsel for the applicant has filed a **leave note**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 27.03.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**ORIGINAL APPLICATION NO. 406 OF 2019  
(Dayanand V. Kadam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri Girish Awale, learned counsel for the applicant, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. Even on the last date the learned counsel representing the applicant was absent.

3. S.O. to 01.04.2024 as a last chance for final hearing.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**ORIGINAL APPLICATION NO. 56 OF 2022  
(Sidram M. Koli Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri K.P. Rodge, learned counsel for the applicant is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits that the short affidavit on behalf of respondent No.3 is almost ready and the same will be filed during course of the day along with spare copy for the applicant.

3. S.O. to 21.02.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 654 OF 2023  
(Sangita P. Shete Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Smt. Vijaya Adkine, 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 P.O., S.O. to 12.02.2024 for hearing with liberty to file affidavit in reply.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**ORIGINAL APPLICATION NO. 751 OF 2023**  
**(Sakharam M. Ghodke Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Shri V.P. Savant, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.

3. Pleadings completed. List the matter for admission hearing on 14.02.2024.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**M.A.NO. 534 OF 2019 IN O.A.ST.NO. 2024 OF 2019  
(Subhash B. Selukar & Ors. Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Heard Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. By this application the applicants are seeking condonation of delay caused in filing the accompanying Original Application.

3. There is a delay of 630 days i.e. 1 year, 8 months and 25 days for filing the accompanying Original Application.

4. The Original Application pertains to Time Bound Promotion. Learned counsel for the applicants submits that all the applicants were working on the post of Mistri Karkoon and Muster Karkoon respectively and they have been retried on different dates in between 2009 to 2016. Learned counsel for the applicants submits that the applicants are retired as Civil Engineering Assistant and they are challenging validity, legality and



//2// M.A. 534/2019 in  
O.A.St. 2024/2019

correctness of the action of the respondents of not deciding the representations submitted by the applicants for grant of time bound pay scale in terms of the policy of the respondents as per G.R. dated 07.10.2016.

5. Learned counsel for the applicants has pointed out that the applicants have submitted their representations on 23.04.2019, 30.04.2019, 08.05.2019 and reminder dated 01.07.2019 respectively. However, till this date their representations are not yet decided by the respondents. Learned counsel submits that there is no inaction on the part of the applicants and there is no intentional and deliberate delay as such.

6. Learned Presenting Officer has strongly resisted the application on the ground that there is an inordinate delay for which no satisfactory explanation has been tendered by the applicants. There is total inaction on the part of the applicants. There is no substance in the Misc. Application and the same is liable to be rejected.

//3// M.A. 534/2019 in  
O.A.St. 2024/2019

7. It appears that though the applicants have retired as Civil Engineering Assistant, they did not get time bound pay scale and in view of same, they have submitted their representations to the respondent authorities for redressal of their grievances. However, it appears that the respondent authorities have not considered their representations nor communicated anything to the applicants in this regard. There is no inaction on the part of the applicants. There is no intentional and deliberate delay as such in approaching this Tribunal.

8. In view of same, I am inclined to condone the delay. However, the applicants are required to be saddled with costs. I compute the costs of Rs.500/- (Five Hundred only) on each of the applicants and proceed to pass the following order: -

**ORDER**

The Misc. Application No. 534/2019 is allowed in following terms:-

- (A) The delay of 630 days i.e. 1 year, 8 months and 25 days caused in filing the accompanying O.A. under Section

//4// M.A. 534/2019 in  
O.A.St. 2024/2019

19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 500/- (Five Hundred only) on each of the applicants. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 2024 OF 2019  
(Subhash B. Selukar & Ors. Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Heard Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 03.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.St.2024/2019

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. Applicants are directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 03.04.2024.
9. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas



**M.A.NO. 197 OF 2020 IN O.A.ST.NO. 537 OF 2020  
(Ashok B. Johare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Heard Shri A.M. Hajare, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. By this application the applicant is seeking condonation of delay caused in filing the accompanying Original Application.

3. There is a delay of near about 2 years from the date of order itself and according to the applicant there is delay of 112 days after the date of retirement.

4. Learned counsel for the applicant submits that the applicant was working as Forest Guard and promoted as Round Forest Officer (Class-I) in the year 2016 and finally got retired on 31.01.2019. During the service tenure, the applicant was subjected to departmental enquiry for his absence on duty. The applicant came to be exonerated in the departmental enquiry, however, the said period of absence on duty was treated as an extraordinary

//2// M.A. 197/2020 in  
O.A.St. 537/2020

leave. Being aggrieved by the same, the applicant has preferred an appeal which is also came to be dismissed by the appellate authority.

5. Learned counsel for the applicant submits that the applicant during service tenure has tried his best to pursue the department to consider the said period as duty period or otherwise, but even after the applicant came to be exonerated from the departmental enquiry, the respondent authorities have not considered his request. Learned counsel for the applicant submits that the applicant could not approach this Tribunal during his service period due to various reasons. However, after retirement, he has approached this Tribunal with the delay of 112 days. Learned counsel submits that there is no inaction on the part of the applicant and he may be given one chance to consider his grievance on merit.

6. Learned P.O. has strongly resisted the application on the ground that there is an inordinate delay for which no satisfactory explanation has been tendered by the applicant.



//3// M.A. 197/2020 in  
O.A.St. 537/2020

7. Learned P.O. submits that the appellate authority has decided the appeal way back in the 2017 and in view of the same, the delay is required to be counted from that date. However, the applicant has not approached this Tribunal till his retirement and even after retirement has not approached this Tribunal diligently. Learned P.O. submits that there is no substance in the application and the same is liable to be rejected.

8. It appears that though the applicant was exonerated in the departmental enquiry initiated due to the absence of the applicant on duty, however, even after exoneration from the departmental enquiry, the said absence period appears to have been considered as extraordinary leave. Though the applicant has promptly approached to appellate authority, however, his appeal came to be dismissed. At the time of retirement, the applicant was serving as Class-I and in view of same, he could not approach this Tribunal immediately. But after retirement, with certain delay he has approached this Tribunal. I do not find that there is a gross

//4// M.A. 197/2020 in  
O.A.St. 537/2020

negligence on the part of the applicant in not approaching the Tribunal. There is no intentional and deliberate delay as such. However, considering the period for which the applicant has not approached this Tribunal is required to be condoned with heavy costs. I compute the costs of Rs.5000/- (Five Thousand only) and proceed to pass the following order: -

**ORDER**

The Misc. Application No. 197/2020 is allowed in following terms:-

- (A) The delay of 1 year, 11 months and 17 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 5000/- (Five Thousand only). The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

//5// M.A. 197/2020 in  
O.A.St. 537/2020

- (B) Upon satisfaction of the costs as above,  
the accompanying O.A. be registered  
and numbered by taking in to account  
other office objection/s, if any.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas

**ORIGINAL APPLICATION ST. NO. 537 OF 2020  
(Ashok B. Johare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 29.01.2024**

**ORAL ORDER :**

Heard Shri A.M. Hajare, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 01.04.2024.
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.537/2020

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 01.04.2024.
9. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ORAL ORDER 29.01.2024 sas