

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 731/2022
(Shri Santosh R. Shirsat & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned Counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 10.10.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

REV. NO. 02/2021 IN O.A. NO. 654/2018
(Shri Somnath B. Bagul & Ors. Vs. State of Maharashtra & Ors.)
AND

REV. NO. 03/2021 IN O.A. NO. 653/2018
(Shri Gorakshnath N. Londhe & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Counsel for the applicants in both the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the matters, are present.

2. The learned Presenting Officer submits that the affidavit in reply would be filed by the next date.

3. S.O. to 11.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 863/2022
(Dr. Vinod Gulabrao Jogdand Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **29.9.2022**

ORAL ORDER :

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

2. This is motion moved for speaking to minutes in the order passed in O.A. No. 863/2022 on 28.9.2022. In clause (i) of the operative order returnable date is inadvertently mentioned as "28.9.2022", it should be corrected as "18.11.2022", in clause (vi) of the said order in 3rd line post is inadvertently mentioned as "Associate Professor", it shall be "Assistant Professor" and in clause (vii) of the said order again the date is mentioned as "28.9.2022", it shall be corrected as "18.11.2022".

3. Motion is accordingly disposed of. Aforesaid corrections be carried out in the order dated 28.9.2022 and corrected order be issued to the concerned immediately.

MEMBER (A)

VICE CHAIRMAN

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 759/2022
(Smt. Manisha A. Rashinkar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **29.9.2022**

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. The learned counsel for the applicant submitted that in regard to the query raised in the matter the applicant has filed affidavit and copy is given to the learned P.O. The respondents have not yet filed the affidavit in reply. The applicant is pressing for interim relief.

3. In the circumstances, we direct the respondents to file the affidavit in reply at least to the prayer for interim relief by 14.10.2022 on which date we will consider the request of the applicant for interim relief.

4. S.O. to 14.10.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 440/2021
(Waheeda Fiyjojoddin Kazi Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned Presenting Officer has tendered across the affidavit in reply for respondent no. 4. It is taken on record and copy thereof has been supplied to other side.

4. List the matter on 14.10.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 613/2022
(Shri Rahul D. Sathe Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **29.9.2022**

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri R.D. Khadap, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has tendered across the bar the affidavit in reply of respondent no. 2. It is taken on record and copy thereof has been supplied to other side.

3. The learned counsel for the applicant submits that notices to respondent no. 1, 3 to 23 & 29 have not been served till date. He has therefore prayed for issuance of fresh notice against the said respondents.

4. Issue fresh notices to respondent nos. 1, 3 to 23 & 29, returnable on 24.11.2022.

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

6. 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.

7. 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.

8. 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.

9. S.O. to 24.11.2022.

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

MEMBER (A)

VICE CHAIRMAN

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

C.P. NO. 18/2022 IN O.A. 339/2019
(Dr. Kishor S. Ubale Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **29.9.2022**

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Counsel for the applicant (**leave note**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. The learned Presenting Officer submits that in the present matter Writ Petition has been preferred against the order dated 12.4.2022 passed by this Tribunal in O.A. NO. 339/2019. Copy of the said Writ Petition is filed on record. The learned counsel for the petitioner has filed leave note.

3. List the matter for further consideration on 20.10.2022.

MEMBER (A)

VICE CHAIRMAN

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 624/2021
(Shri Pradeep D. Mulgir Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned Chief Presenting Officer was supposed to file the affidavit in reply for respondent MPSC on today. However, it is not filed. Last chance is granted to the respondent MPSC to file the affidavit in reply till 21.10.2022. If affidavit in reply is not filed on or before the next date, no further time will be granted to the said respondent.

4. S.O. to 21.10.2022.

MEMBER (A)

VICE CHAIRMAN

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 598/2021
(Shri Bramhdev M. Latpate Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **29.9.2022**

ORAL ORDER :

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

2. The learned counsel for the applicant has brought to our notice that despite availing due opportunity to file the affidavit in reply the same has not been filed by the respondents. The learned P.O. has sought time as a last chance. In the interest of justice the request is accepted. The matter stands adjourned to 9.11.2022. The respondents in any case shall file the reply on or before the next date or else they may not be permitted to file the same.

3. S.O. to 9.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 32/2021
(Mukinda T. Bhalerao Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. Ms. Wankhade, learned counsel submits that in the present matter she is not appearing for the applicant now and has given "No Objection" for appointing other Counsel by the applicant and accordingly other counsel has appeared, however, still name of Ms. Wankhade is appearing on the board. She has prayed for deleting her name. Request granted.

3. S.O. to 17.11.2022.

MEMBER (A)

VICE CHAIRMAN

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 245/2022
(Shri Mahendra K. Wadgaonkar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri Mahendra Wadgaonkar - party in person and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The party-in-person submits that the respondents have not filed the affidavit in reply till date. The learned P.O. has sought time to file the reply. Time granted as a last chance. The respondents to submit their reply on or before 18.10.2022 else they may not be permitted to file their reply thereafter.

3. S.O. to 18.10.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 639/2019
(Shri Ajit V. Pawar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **29.9.2022**

ORAL ORDER :

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned Counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri A.S. Mirajgaonkar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for respondent no. 3.

2. Shri S.B. Solanke, learned counsel has filed his VP for respondent no. 4. It is taken on record. He has sought time for filing affidavit in reply on behalf of respondent no.4.

3. The learned counsel for the applicant submits that the respondents have not filed the affidavit in reply in the present matter despite availing due opportunities. Shri S.B. Solanke, learned counsel for respondent no. 4 submits that said respondent is subsequently added on whose behalf V.P. is filed by him today. The learned P.O., as well as, learned counsel for respondent no. 4 sought time for filing affidavit in reply of concerned respondents. Time granted as a last chance.

4. S.O. to 21.10.2022.

MEMBER (A)

VICE CHAIRMAN

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 397/2019
(Smt. Shilpa J. Ingle Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 14.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 392/2018
(Shri Chandrakant R. Kapse Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri S.G. Joshi, learned Counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri U.S. Dambale, learned counsel for respondent nos. 5 to 7 & 9, are present.

2. At the request of learned counsel for the applicant, S.O. to 14.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 325/2019
(Shri Bapusaheb B. Chavre Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Heard Shri N.L. Jadhav, learned Counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri U.S. Mote, learned counsel for respondent nos. 3 & 7.

2. The learned Presenting Officer has submitted a common affidavit in reply on behalf of respondent nos. 1, 2 & 5. The same is taken on record and copy thereof has been supplied to other side.

3. The present Original Application stands allowed. Speaking order would follow.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION ST. NO. 1281/2022
(Ahmadkhan Ibrahimkhan Pathan Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri P.B. Rakhunde, learned Counsel for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 10.10.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

O.A. NOS. 445 AND 446 BOTH OF 2019
(Smt. Mangal P. Musande & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **29.9.2022**

ORAL ORDER :

Shri Vishnu Dhoble, learned Counsel for the applicants in both the matters and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities in both the matters, are present. Shri Sachin Deshmukh, learned counsel for respondent nos. 3 & 4 in O.A. No. 445/2019 and for respondent nos. 4 & 5 in O.A. NO. 446/2019 (**Absent**).

2. The learned counsel for the applicants submits that the present matters can be disposed of in view of the order passed by the Aurangabad Bench of Hon'ble Bombay High Court in W.P. no. 5252/2020 with other writ Petitions. The respondent State has not yet filed the affidavit in reply. Affidavit in reply on behalf of Zilla Parishad is filed, however, learned counsel for Z.P. is not present today.

3. In the circumstances, we place the matters for hearing on 10.10.2022 and by that time the respondent State shall file reply in present matters.

MEMBER (A)

VICE CHAIRMAN

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 222/2022
(Shri Annasaheb M. Shinde & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri Jiwan J. Patil, learned Counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present. Shri P.R. Katneshwarkar, learned special counsel for respondents (**absent**).

2. On request of learned counsel for the applicants, S.O. to 13.10.2022 for hearing. **High on Board.**

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. NO. 385/2022 IN O.A. ST. 1402/2022
(Shri Subhash R. Mahajan & Ors. Vs. State of Maharashtra & Ors.)
AND

M.A. NO. 387/2022 IN O.A. ST. 1405/2022
(Shri Tulshiram K. Patil & Ors. Vs. State of Maharashtra & Ors.)
AND

M.A. NO. 389/2022 IN O.A. ST. 1408/2022
(Shri Bhimrao B. Devre & Ors. Vs. State of Maharashtra & Ors.)
AND

M.A. NO. 391/2022 IN O.A. ST. 1411/2022
(Shri Arun B. Salunkhe & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Counsel for the applicants in all these matters and S/shri S.K. Shirse, M.P. Gude, D.R. Patil, learned Presenting Officers for the respondent authorities in respective matters, are present.

2. Issue notices to the respondents in all these MAs, returnable on 23.11.2022.

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.

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. S.O. to 23.11.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri K.B. Jadhav, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel has tendered across the bar the rejoinder affidavit of the applicant. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 14.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 785/2022
(Shri Bhaurao M. Ghane Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri Ajay T. Kanawade, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has tendered across the bar the affidavit in reply of respondent nos. 3 to 5. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 15.11.2022 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 581/2022
(Shri Vijay B. Deshmukh Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri A.V. Choudhary, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel submits that the applicant is not interested to file the rejoinder affidavit.
3. In the circumstances, S.O. to 24.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 542/2022
(Shri Nagnath S. Popalwar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri S.N. Janakwade, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has tendered across the bar the reply for respondent nos. 1 to 3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 23.11.2022 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 811/2019
(Shri Bhushan D. Kagane Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.
3. S.O. to 16.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 41/2020
(Shri Nagesh C. Kumbre Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri A.S. Deshmukh, learned Counsel for the applicant (**leave note**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 26.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 93/2020
(Smt. Jayshree S. Tusamkar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned counsel submits that the applicant is not interested to file rejoinder affidavit.
3. In the circumstances, S.O. to 16.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 156/2020
(Shri Raju A. Ghodke & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.
3. S.O. to 17.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 226/2020
(Shri Haridas R. Ghuge Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 17.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 228/2020
(Shri Santosh D. Dhongade Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.
3. S.O. to 17.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 447/2021
(M.A. Gangadhar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri A.D. Patil, learned counsel holding for Shri C.V. Dharurkar, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply for the respondents. Time granted.

3. S.O. to 21.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 574/2021
(Smt. Latabai B. Savant Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri V.G. Pingle, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 21.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 606/2021
(Shri Tambe S. Govind Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time to file the affidavit in reply. Time granted.
3. S.O. to 21.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 631/2021
(Shri Shamsunder K. Suryawanshi Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri Ashish Rajkar, learned Counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri V.C. Solshe, learned counsel for respondent nos. 2 & 3, are present.

2. S.O. to 22.11.2022 for filing the affidavit in replies by the respondents.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 606/2021
(Shri Tambe S. Govind Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time to file the affidavit in reply. Time granted.
3. S.O. to 21.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 663/2021
(Shri Kiran K. Somwad Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned counsel has sought time to file the rejoinder affidavit of the applicant. Time granted.

3. S.O. to 22.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 713/2022
(Shri Yogesh C. Gupta & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri S.S. Dambe, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time to file the affidavit in reply. Time granted.
3. S.O. to 22.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 03/2022
(Shri Sunil S. Ingle Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri A.D. Patil, learned counsel holding for Shri C.V. Dharurkar, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time to file the affidavit in reply of the respondents. Time granted.
3. S.O. to 22.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 237/2022
(Shri Vinayak U. Banchod Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri P.G. Tambde, learned counsel holding for Shri S.S. Jadhavar, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Await Service.
3. S.O. to 23.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 545/2022
(Shri Vitthal T. Chaudhari Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri A.S. Khedkar, learned Counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent nos. 3 & 4, are present.

2. The learned Presenting Officer has sought time to file the affidavit in reply. Time granted.

3. S.O. to 23.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 602/2022
(Shri Balasaheb A. Shinde Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Shri Shritej Surve, learned counsel holding for Shri Hemant Surve, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time to file the affidavit in reply. Time granted.
3. S.O. to 24.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 641/2022
(Shri Amarsing S. Kamthekar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time to file the affidavit in reply of the respondents. Time granted.
3. S.O. to 24.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. Await service.
3. S.O. to 24.11.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 736/2022
(Dr. Pradeep A. Shendge Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time to file the affidavit in reply of the respondents. Time granted.
3. S.O. to 25.11.2022.
4. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 818/2022
(Dr. Pranita P. Patil & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

Ms. Preeti Wankhade, learned Counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Await service.
3. S.O. to 25.11.2022.
4. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 819/2022
(Dr. Dharmaraj A. Dudde & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. Await service.
3. S.O. to 25.11.2022.
4. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. 140/2022 IN O.A. ST. 494/2022
(Shri Vinod V. Bandale Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.9.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time to file the affidavit in reply of the respondents. Time granted.
3. S.O. to 17.10.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 29.9-2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 143 OF 2020
(Khan Yusuf Fatte Khan V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri A.V. Thombre, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 14.10.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

O.A.NO. 664/2021 WITH M.A.NO. 77/2022
(Sanjay D. Gangawane & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. It is submitted that the present matter is being dealt with by learned Chief Presenting Officer and today it may not be possible to him to attend the present proceedings. Request is, therefore, made to keep the present proceedings for hearing tomorrow. Request accepted.

3. Learned Presenting Officer Shri M.P. Gude submits that if tomorrow learned C.P.O. is having some difficulty, he will argue the matter.

4. S.O. to 30.9.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

C.P.NO. 20/2021 IN O.A.NO. 200/2016
(Shaikh Rahim Shaikh Chand V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 4.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

C.P.NO. 27/2019 IN O.A.NO. 260/2017
(Bhagwat D. Bedke V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 4.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

C.P.NO. 36/19 IN O.A.NO. 229/2015
(Dr. Bhaskar S. Borgaonkar V/s. State of Maharashtra & Ors.)

WITH

C.P.NO. 37/2019 IN O.A.NO. 230/2015
(Dr. Dilip R. Tandale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri P.R. Tandale, learned counsel for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities in both these cases, are present.

2. At the request of learned counsel for the applicants, S.O. to 17.10.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

O.A.NOS. 825, 864, 865, 866 & 867 ALL OF 2016
(Prakash A. Gaikwad & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri Roshan G. Godghase, learned counsel holding for Shri V.B. Jogdand Patil, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these cases, Shri H.A. Joshi, learned counsel for respondent Nos. 7 to 9 in O.A. No. 825/2016, are present.

Shri Pradeep Patil, learned counsel for respondent No. 5 in O.A. No. 864/2016, Shri Satyajit Bora, learned counsel for respondent No. 5 in O.A. Nos. 865, 866 & 867 all of 2016, **are absent.**

2. Arguments are heard. Reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

O.A.NOS. 966, 967, 968, 969, 970, 971, 972, 974, 975, 976, 977,
978, 979 ALL OF 2019 & O.A. 537/2020
(Prakash V. Deshpande & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicants, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities in all these cases, Shri S.B. Mene, learned counsel for respondent No. 5 in O.A. No. 968/2019 and for respondent Nos. 3 & 4 in O.A. No. 978/2019, Shri N.U. Yadav, learned counsel for respondent No. 5 in O.A. Nos. 970, 971, are present.

Shri Shamsunder B. Patil, learned counsel for respondent No. 5 in O.A. No. 975/2019 and for respondent No. 6 in O.A. No. 537/2020, is absent.

2. When the present group of matters is taken up for consideration the learned Presenting Officer has again sought time to file the affidavit in reply on behalf of the respondents. Learned P.O. submitted that he has received the instructions that para-wise reply in all these OAs has been approved and the same is likely to be received within a week. In the circumstances, time is sought to submit reply on record.

3. Learned counsel for the applicant has opposed the request made by learned Presenting Officer. Learned counsel has invited our attention to the orders passed by us on 27.4.2022, 8.7.2022 & 22.8.2022. On perusal of these orders it appears to us that on 27.4.2022 last chance was granted to file affidavit in reply and in spite of that the reply till today is not filed. In the interest of justice, though we may grant one week's time to file affidavit in reply, but not without cost in each matter. The cost is imposed to the extent of Rs. 1000/- in each matter to be deposited in the office of this Tribunal with affidavit in reply.

4. S.O. to 7.10.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 34 OF 2022
(Sachin D. Shrimanwar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri V.B. Wagh, 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 10.10.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 1076 OF 2019
(Ramling S. Kamble V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

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

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 18.10.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 518 OF 2021
(Asmita D/o Machindra Kekan & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri A.V. Thombre, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 6.10.2022. **High on board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 679 OF 2021
(Mahesh G. Satkar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.10.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 731 OF 2021
(Sunil L. Mali V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.10.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 306 OF 2022
(Papindersingh S. Sandhu (Pujari) V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri Amit A. Mukhedkar, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.11.2022 for hearing. Interim relief to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 485 OF 2022
(Jaspalsingh B. Kalon V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri Amit A. Mukhedkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.11.2022 for hearing. Interim relief to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A.NO. 79/2021 IN O.A.ST.NO. 288/2021
(Pralhad V. Fiske V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri S.G. Magare, learned counsel holding for
Shri Hemant D. More, learned counsel for the
applicant and Shri M.P. Gude, learned Presenting
Officer for the respondent authorities, are present.

2. S.O. to 7.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A.NO. 118/2021 IN O.A.ST.NO. 395/2021
(Mira B. Avhad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri P.G. Tambade, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 7.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A.NO. 219/2022 IN O.A.NO. 810/2021
(The Divisional Commissioner Nasik & Ors. V/s. Ganesh B. Agale)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri M.P. Gude, learned Presenting Officer for the applicants in M.A./ respondents in O.A. and Shri V.B. Wagh, learned counsel for respondent in M.A. / applicant in O.A.

2. S.O. to 11.10.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A.NO. 220/2022 IN O.A.NO. 381/2021
(The Divisional Commissioner Nasik & Ors. V/s. Manjushree S. Deokar)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri M.P. Gude, learned Presenting Officer for the applicants in M.A./ respondents in O.A. and Shri V.B. Wagh, learned counsel for respondent in M.A. / applicant in O.A.

2. S.O. to 11.10.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 211 OF 2016
(Jayshri N More & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri V.B. Anjanwatikar, learned counsel for the applicants (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 16.11.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 383 OF 2018
(Meraj Begum Syeed Abdul Khalak V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17.11.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 792 OF 2018
(Keshav R. Bankar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri J.M. Wagh Patil, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.11.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 802 OF 2018
(Jitendra B. Mutyalu V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri Sanjay B. Bhosale, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21.11.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 260 OF 2019
(Mukund B. Jagtap V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.09.2022

ORAL ORDER :

Shri A.D. Patil, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.11.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 29.09.2022-HDD

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.448 OF 2019 IN O.A.ST.NO.1571 OF 2019
(Janabai B. Gadade V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORDER

This Misc. Application is made seeking condonation of delay of 6 months and 22 days caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 regarding appointment of the applicant to the post of Police Patil.

2. The applicant belongs to NT-C category. Pursuant to the advertisement dated 06.12.2017 to the post of Police Patil, the applicant applied on 19.12.2018. She appeared for written examination and passed it. Thereafter, oral interview was conducted, in which she appeared. However, by order dated 16.01.2018, her claim to the post of Police Patil was turned down by the respondent No.3 on the ground that she has not completed age

of 25 years, which was required under advertisement.

3. The correct date of birth of the applicant is 03.06.1990 as per certificate issued by competent authority i.e. Gramsevak. In school record however, her date of birth was wrongly mentioned as 06.03.1993. She approached the authorities including Education Officer, Sub-Divisional Officer and the District Collector for acceptance of her certificate issued by Gramsevak by making various representations.

4. However, the said authorities rejected her claim by order dated 30.01.2018. The applicant challenged the said order before the Hon'ble High Court by filing Writ Petition. The Hon'ble High Court directed the Education Officer to decide the application of the applicant regarding correction of date of birth by its order dated 10.04.2019. The Education Officer by order dated 31.05.2019 allowed the claim of the applicant in correction of

date of birth. Thereafter, the applicant approached the respondent No.3 i.e. the Sub-Divisional Officer cum President of Selection Committee Police Patil Recruitment, since the post of Police Patil was not filled up by making application dated 10.06.2019. The respondent No.3, however, did not consider the applicant's application and asked the applicant to approach this Tribunal. In the circumstances, the applicant filed accompanying Original Application challenging the orders dated 16.01.2018 (Annex. 'A-2'), dated 30.01.2018 (part of Annex. 'A-4' collectively) and order dated 02.07.2019 (Annex. 'A-8') all issued by the respondent No.3.

5. In view of above, there is delay of about 6 months and 22 days caused in filing the Original Application. The delay is not deliberate. The applicant was pursuing her remedy. Hence, this application.

6. The application is resisted by filing affidavit-in-reply on behalf of the respondent Nos.2 & 3 by

one Jivakkumar Kishanrao Kamble working as the Tahsildar, Sengaon, Dist. Hingoli, thereby adverse contentions raised in the application are denied and it is contended that no sufficient cause is shown for condonation of delay.

7. I have heard at length the arguments advanced by Shri V.R. Jain, learned Advocate for the applicant on one hand and Shri B.S. Deokar, learned Presenting Officer representing the respondents on other hand.

8. After having considered the record, it is evident that the applicant seeks to challenge three different orders issued by the respondent No.3 which are pertaining to denial of claim of the applicant to the post of Police Patil. Those orders are dated 16.01.2018, 30.01.2018 and 02.07.2019. First two orders issued by the respondent No.3 are beyond limitation. However, it appears that in between the applicant was pursuing her remedy before the Hon'ble High

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M.A.448/2019 In
O.A.St.1571/2019

Court. In view of same, it cannot be said that the delay is deliberate or intentional, when the applicant was pursuing her lawful remedy in respect of one aspect of the matter namely correction in date of birth. Infact, the said delay is to be exempted.

9. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. In view of the facts and circumstances of this case, if the delay is refused to be condoned, cause of justice is likely to be defeated at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay of about 6 months and 22 days caused in filing the Original Application. Hence, I proceed to pass the following order: -

ORDER

The Misc. Application No. 448/2019 is allowed in following terms:-

- (A) The delay of about 6 months and 22 days caused in filing the accompanying

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M.A.448/2019 In
O.A.St.1571/2019

O.A. under Section 19 of the
Administrative Tribunals Act, 1985 is
hereby condoned

(B) The accompanying O.A. be registered
and numbered by taking in to account
other office objection/s, if any.

(C) No order as to costs.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.174 OF 2021 IN O.A.ST.NO.722 OF 2021
(Avinash V. Solunke V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

O R D E R

This application is made seeking condonation of delay of 1095 days caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 seeking the pensionary benefits and direction to decide the representations made by him seeking regular pension and all other services benefits.

2. The pensionary benefits of the applicant were withheld in view of criminal prosecution initiated against the applicant under the Prevention of Corruption Act, 1988 being Special Case No.08/2007. The applicant superannuated w.e.f. 30.06.2017 from Sindhudurga. The applicant is acquitted in said Special Case No.08/2007 vide judgment and order dated 10.01.2011 (Annex. 'A-

3' in O.A.). Meanwhile, the departmental enquiry was also initiated against the applicant, which is completed as per enquiry report dated 24.08.2012 (page No.82 of P.B.) holding that the charges are not proved against him. The proposal for passing final order of exoneration is dated 01.11.2012 (Page Nos.95 to 97 of P.B.). However, as per order dated 19.11.2012 (page No.98 of P.B. in O.A.) final order in departmental enquiry is deferred till the decision in criminal appeal referring G.R. dated 23.07.2007. The Original Application came to be filed on or about 29.06.2021.

3. The applicant was waiting for his pension since his retirement on superannuation. He sought necessary information by making application under RTI on 14.09.2020, whereby the respondent No.2 gave reply dated 12.10.2020 stating that there is no any Government Resolution issued by the respondent No.2 deferring decision on enquiry pending criminal appeal. Thereafter, the applicant

made various applications dated 28.07.2020, 18.09.2020 and 16.10.2020 to the respondent Nos.1 to 3 seeking to take decision on enquiry report and to grant him regular pension and all other service benefits. However, no decision is taken on those representations.

4. In the circumstances, according to the applicant there is continuous cause of action as the applicant is deprived of his pension and other pensionary benefits. Ultimately it is stated that the delay, if any, caused is not deliberate. From March 2020 onwards there was Covid-19 pandemic situation. Hence, the applicant could not approach this Tribunal in time. Hence this application for condonation of delay.

5. The affidavit-in-reply is filed on behalf of the respondent Nos.1 and 3, thereby denying all the adverse contentions raised in the application and contending that the applicant has no case on merits in the Original Application and no sufficient

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M.A.174/21 In
O.A.St.722/2021

cause is shown for condonation of delay. The pensionary benefits are rightly withheld in view of pendency of judicial and departmental enquiry.

6. The applicant filed affidavit-in-rejoinder denying adverse contentions raised in the affidavit-in-reply.

7. I have heard at length the arguments advanced by Shri J.B. Choudhary, learned Advocate for the applicant on one hand and Smt. M.S. Patni, learned Presenting Officer representing the respondents on other hand.

8. After having considered the facts and circumstances, it appears that the applicant is seeking pensionary benefits and direction on his pending representations against the respondent No.2. The applicant was superannuated on 30.06.2017. The accompanying Original Application is filed on or about 29.06.2021. In view of the same, there is delay of about three

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M.A.174/21 In
O.A.St.722/2021

years. The Original Application ought to have been filed on or about 29.06.2018.

9. Perusal of the record produced by the applicant would show that the applicant is acquitted in Special Case No.8/2007 by judgment and order dated 10.01.2011 (Annex. 'A-3'). Also the departmental enquiry was initiated against the applicant. However, as per enquiry report dated 24.08.2012, the charges are not proved against the applicant. However, thereafter, the decision by way of final order was deferred as criminal appeal was filed against the order of acquittal of the applicant in a criminal case. The applicant has filed the present Original Application seeking pensionary benefits and seeking decision on his representations dated 16.10.2020 and 18.09.2020. To some extent there can be continuous cause of action in respect of the pensionary benefits, if the case of the applicant is considered favourably. Meanwhile, there was Covid-19 pandemic

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M.A.174/21 In
O.A.St.722/2021

situation also which prevented the applicant in approaching the Tribunal. The delay cannot be said to be deliberate one. Thereby the applicant had nothing to gain.

10. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. In view of the facts and circumstances of this case, if the delay is refused to be condoned, cause of justice is likely to be defeated at the threshold. Hence, in my considered opinion, this is a fit case to condone delay of about 1095 days caused in filing the Original Application by imposing moderate costs upon the applicant. I compute the costs of Rs.1,500/- (One Thousand Five Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 174/2021 is allowed in following terms:-

(A) The delay of about 1095 days caused in filing the accompanying O.A. under Section 19 of

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M.A.174/21 In
O.A.St.722/2021

the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1500/- (One Thousand Five Hundred only) by the applicant. 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)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.27 OF 2022 IN O.A.ST.NO.64 OF 2022
(Madhavi Manikrao Kulkarni & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORDER

This application is made seeking condonation of delay of about 8 years 6 months and 2 days caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 seeking compassionate appointment for applicant No.2 in substitution of the applicant No.1.

2. The applicant Nos.1 and 2 are respectively widow and daughter of the deceased Government servant namely Manikrao Ramrao Kulkarni, who died in harness on 27.10.1998 while in Government service. After his death, the applicant No.1 i.e. the widow made application for compassionate appointment on 10.03.1999. Her name was taken in the waiting list. The applicant No.1 crossed her age of 40 years on 10.07.2001.

In view of that as per order/communication dated 07.07.2008, the name of the applicant No.1 was deleted. The date of birth of the applicant No.2 is 18.09.1993. The applicant No.1 by application dated 25.01.2010 sought compassionate appointment for her daughter i.e. the applicant No.2 in her place stating that the applicant No.2 is nearing the age of attainment of majority soon. The said application dated 25.01.2010 made by the applicant No.1 was however, rejected by communication dated 15.02.2010 by the respondent No.3 (page No.59 of P.B.). The applicants made representations dated 16.06.2011 and 08.12.2011. The applicant No.2 got married in the year, 2014. The representations are not decided.

3. It is the contention of the applicants that they have good case on merits as in accordance with law the Applicant No.2 can get an appointment by substituting the name of the applicant No.1. The

respondents have not considered their representations pending since, 2011. The delay caused in making this application is not deliberate. The applicants are suffering with hardship. Hence, this application.

4. Affidavit-in-reply is filed on behalf of the respondent Nos.1,3 & 4 by one Udaysinh Digambar Bhosale working as Deputy Engineer, Mechanical Sub-Division, Latur, thereby he denied adverse contentions raised in the applicant and specifically contended that the name of the applicant No.1 was deleted from waiting list in view of crossing her age of 40 years. There is inordinate delay of 8 years, 6 months and 2 days. The applicants are required to explain the date to date delay. No documents are placed on record to show the reasons restricting the applicants in not approaching the Tribunal in time. Hence, the application is liable to be rejected.

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M.A.27/2022 In
O.A.St.64/2022

5. I have heard at length the arguments advanced by Shri H.P. Jadhav, learned Advocate for the applicant on one hand and Shri M.S. Mahajan, learned Chief Presenting Officer representing the respondents on other hand.

6. Considering the facts of the case it is evident that the name of the applicant No.1 was taken into waiting list. However, as the applicant crossed the age of 40 years in the year 2001, her name was deleted allegedly by issuing communication dated 07.07.2008 as reflected in letter dated 15.02.2010 sent by the respondent No.3 to the applicant No.1 rejecting the claim of the applicant No.2 sought vide communication dated 25.01.2010 stating that substitution of name is not permissible under policy of compassionate appointment. Thereafter, similar letter dated 03.03.2010 (page No.60 of P.B. of O.A.) seems to have been issued by the respondent No.3 to the applicant No.2.

7. The date of birth of the applicant No.2 is stated to be 18.09.1993. In view of the same, she attained the age of majority on 17.09.2011. However, it appears that when the applicant No.2 was on the verge of attaining age of majority, the applicant No.1 made application dated 25.01.2010 (page No.52 of P.B.) seeking compassionate appointment for the applicant No.2. That claim is rejected vide communication dated 15.02.2010 and 03.03.2010 (page No.59 of P.B.) addressed by the respondent No.3 to the applicant Nos.1 & 2 respectively. Thereafter, it seems that the applicants made representations dated 16.06.2011 and 08.12.2011 (page Nos.68 to 70 of P.B.). Thereafter, the applicant No.2 got married in the year, 2014. There is letter dated 28.02.2011 addressed by the respondent No.2 i.e. the District Collector, Latur Dist. Latur to the respondent No.3 i.e. the Superintending Engineer, Nanded seeking to act on the application dated 17.06.2011 said to

have been made by the applicant No.2. In view of the same, the name of the applicant No.2 said to have been pending with the respondents for compassionate appointment. Nothing has been communicated to the applicants in that regard.

8. No doubt, there is delay in seeking compassionate appointment. However, the said delay cannot be said to be deliberate and intentional one. The applicants said to have a good case on merit as they are seeking compassionate appointment by way of substitution as there are various citations to show that the substitution is permissible in the scheme of compassionate appointment.

9. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. In view of the facts and circumstances of this case, if the delay is refused to be condoned, cause of justice is likely to be defeated at the threshold. In view of the same, in my considered

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opinion, this is a fit case to condone the delay of about 8 years 6 months and 2 days caused in filing the Original Application by imposing moderate costs upon the applicants. I compute the costs of Rs.1,500/- (One Thousand Five Hundred only) on the applicants and proceed to pass the following order: -

ORDER

The Misc. Application No. 27/2022 is allowed in following terms:-

- (A) The delay of about 8 years 6 months and 2 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1500/- (One Thousand Five Hundred only) by 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.

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(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)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.164 OF 2021 IN O.A.ST.NO.580 OF 2021
(Nilesh S. Salve V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORDER

This application is made seeking condonation of delay of about 95 days caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 challenging the impugned communication dated 01.02.2020 (Exh. 'C') issued by the respondent No.2 i.e. the Superintendent of Police, Jalgaon, thereby holding the applicant ineligible for compassionate appointment as two of his elder brothers are already in Government Service of Police Department.

2. The applicant's father namely Sanjay Jagannath Salve died in harness on 17.04.2019. The applicant's two elder brothers namely Rupesh and Kiran are already serving in Police

Department. However, they have refused to maintain the present applicant and their mother. In view of the same, and more particularly in view of the G.R. dated 26.10.1994 and 21.09.2017, the applicant applied for compassionate appointment on 27.06.2019. However, his claim is denied by impugned communication dated 01.02.2020. The relevant G.R. dated 26.10.1994 and 21.09.2017 provided to take into consideration that compassionate appointment should not be misused in the garb of family members who are already in service are not taking care. The said aspect in the case in hand is required to be taken into consideration only by considering the Original Application filed by this applicant.

3. Record shows that in spite of grant of opportunities, affidavit-in-reply is not filed on behalf of the respondents. In view of the same, hearing of the application proceeded without reply.

4. I have heard at length the arguments advanced by Shri Dipesh Pande, learned Advocate for the applicant on one hand and Shri M.P. Gude, learned Presenting Officer representing the respondents on other hand.

5. After having been considered the facts of the case it appears that there is marginal delay of about 95 days in filing the Original Application. The said delay cannot be said to be deliberate or intentional one.

6. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. In the facts and circumstances of this case, refusing to condone delays is likely to defeat the case of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay of about 95 days caused in filing the Original Application by imposing moderate costs upon the applicant. I compute the costs of

Rs.200/- (Two Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 164/2021 is allowed in following terms:-

- (A) The delay of about 95 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 200/- (Two Hundred only) by the applicant. 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)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.137 OF 2020 IN O.A.ST.NO.46 OF 2020
(Sagar A. Zinjurde V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORDER

This application is made seeking condonation of delay of about 10 years caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 seeking appointment on compassionate ground.

2. The applicant is the son of the deceased Government servant named Anil Kundalik Zinjurde, who died while in service of the respondent No.2 i.e. the Superintendant of Police, Ahmednagar on the post of Police Constable. On 03.12.2001, he died leaving behind his widow, one son i.e. the applicant and two sisters. After the death of the applicant's father, the widow of the deceased Government servant filed application for compassionate appointment on 15.02.2002. The

respondent No.2 forwarded the proposal for appointment of the widow of the applicant to the office of the respondent No.1. However, no order of appointment was issued to her. She made various representations till 2012 but in vain. The date of birth of the applicant is 26.10.1991.

3. At the time of death of his father, the applicant was minor. The applicant made application dated 02.07.2008 seeking compassionate appointment. He attained the age of majority on 25.10.2009. He did not hear anything about his application. He again made application on 06.12.2019. However, his claim was rejected as per communication dated 03.12.2020 received by him on the ground that the applicant failed to file application for compassionate appointment within one year of attainment of age of majority.

4. The applicant is seeking compassionate appointment. However, there is delay in filing the

Original Application. The delay is not deliberate or intentional one. Hence this application.

5. The affidavit-in-reply is filed on behalf of the respondent Nos.1 & 2, thereby the adverse contentions raised by the applicant are denied. It is contended that the applicant has no case on merits. The family of the applicant is surviving even after 20 years from the date of death of his father. Hence, the applicant and his family are not in need of compassionate appointment. The delay is not explained properly. Therefore, the application is liable to be rejected.

6. I have heard at length the arguments advanced by Shri L.V. Sangit, learned Advocate for the applicant on one hand and Smt. Deepali S. Deshpande, learned Presenting Officer representing the respondents on other hand.

7. After having considered the facts of the case, it is evident that initially the applicant's mother had applied for compassionate appointment but she did

not get compassionate appointment. On the verge of attaining his age of majority, the applicant made application on 02.07.2008. However, it appears that the said application was pending for about 14 years and it is rejected by communication dated 03.12.2020 on the ground that no formal application after attainment of age of majority was made by the applicant and he made application only on 06.12.2019, which is delayed one. In the facts and circumstances, the earlier application made by the applicant dated 02.07.2008 can be relevant. The case of the applicant is required to be considered on merit. In view of same, though there is delay of about 10 years, the same is required to be considered in the background of the facts and circumstances of the case.

8. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. In view of the facts and circumstances of this case, if the delay is refused to be condoned, cause of justice is likely to be defeated at the

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O.A.St.46/2020

threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay of about 10 years caused in filing the Original Application by imposing moderate costs upon the applicant. I compute the costs of Rs.1,500/- (One Thousand Five Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 137/2020 is allowed in following terms:-

- (A) The delay of about 10 years caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1500/- (One Thousand Five Hundred only) by the applicant. 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.

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O.A.St.46/2020

(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)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.421 OF 2021 IN O.A.ST.NO.1707 OF 2021
(Saurabh J. Tribhuvan V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

O R D E R

This application is made seeking condonation of delay of about 3 years and 6 months caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 seeking to challenge the impugned letter dated 04.11.2015 (Annex. 'A-25' in O.A.) issued by the respondent No.1, thereby rejecting the claim of the applicant for compassionate appointment on the ground that there is no provision of substitution in the scheme of compassionate appointment.

2. The applicant's father namely Janardhan Dagduba Tribhuvan died in harness on 05.10.2005 while in Government service. The mother of the applicant filed application on 25.04.2006 seeking compassionate appointment. Her name was taken

in the waiting list but ultimately she was not given appointment till she crossed the age of 40 years on 16.01.2009. In view of the provisions of G.R. dated 22.08.2005, her name was deleted from the waiting list. Later on by G.R. dated 06.12.2010, the age limit for compassionate appointment increased to 45 years. Therefore, she again submitted application on 10.11.2011 seeking compassionate appointment. However, her application was not considered. She also submitted application dated 29.07.2011 seeking compassionate appointment to her son i.e. the applicant. The respondent No.2 by letter dated 01.11.2011 sought guidance of respondent No.1 about substitution of name. Meanwhile, the applicant filed Writ Petition No.6507/2014 seeking directions to the respondents for compassionate appointment. The said Writ Petition was disposed of by order dated 30.07.2014 with liberty to the applicant to avail

alternate remedy. Meanwhile, the applicant made representations seeking consideration for compassionate appointment. However, the respondent No.2 vide impugned communication dated 04.11.2015 rejected the claim of the applicant. However, as per the order of the Hon'ble High Court dated 11.03.2020 passed in Writ Petition No.6267/2018, the condition or restriction denying compassionate appointment on substitution is deleted. In view of the same, the applicant has good case on merit. There is delay but the delay is not deliberate or intentional. Hence this application.

3. Record shows that in spite of grant of opportunities, affidavit-in-reply is not filed on behalf of the respondents. In view of the same, hearing of the application proceeded without reply.

4. I have heard at length the arguments advanced by Shri K.B. Jadhav, learned Advocate

for the applicant on one hand and Shri V.R. Bhumkar, learned Presenting Officer representing the respondents on other hand.

5. Considering the facts involved in the matter, it is evident that the delay is about 5 years and 1 month. The condition or restriction denying compassionate appointment on substitution is deleted by the order of the Hon'ble High Court. In view of the same, the applicant has good case on merit. Some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, the said delay cannot be said to be deliberate or intentional one. Thereby, the applicant had nothing to gain.

6. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. In the facts and circumstances of this case, refusing to condone the delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit

case to condone the delay of about 5 years and 1 month caused in filing the Original Application by adopting liberal approach and by imposing moderate costs upon the applicant. I compute the costs of Rs.1,500/- (One Thousand Five Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 421/2022 is allowed in following terms:-

- (A) The delay of about 5 years and 1 month caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1500/- (One Thousand Five Hundred only) by the applicant. 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.

//6// M.A.421/2021 IN
O.A.St.1707/2021

(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)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.25 OF 2022 IN O.A.NO.699 OF 2021
(Narayan Nana More V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

O R D E R

This application is made seeking condonation of delay caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 challenging the impugned order dated 04.12.2017, thereby re-fixing the pay of the applicant and seeking refund of recovered amount made on account of excess payment.

2. The applicant was initially appointed as Steno Typist on 25.10.1982. In the year 1992, he was promoted to the post of Inspector of Industries/Extension Officer and in the year 2015, he was promoted on the post of Industries Inspector (H.G.) and was posted at Sangli. In the year 2016, the applicant was transferred to the office of the respondent No.4 i.e. the General

Manager, District Industries Centre, Aurangabad. The respondent No.4 revised the pay of the applicant in view of the objection taken by the Pay Verification Unit, Aurangabad by order dated 02.12.2017 and thereby revised the pay of the applicant w.e.f. 01.01.1996 till 01.07.2017 reducing the pay scale to Rs.5000-150-8000 from 6500-200-10500 and thereby recovery of Rs.10,75,592/- for the period of January, 1996 to November, 2017 was ordered by the impugned order dated 04.12.2017. Being aggrieved by the said order, the applicant has filed accompanying Original Application on 11.11.2021. Thereafter this delay condonation application is filed on 10.01.2022.

3. It is the contention of the applicant that the delay is not deliberate and intentional one. After passing of impugned order of recovery, the amount is recovered in installments till his retirement on superannuation on 31.12.2019 and thereafter from pensionary benefits. Even pension case of the

applicant is delayed. In view of the same, there was delay in filing this Original Application. Moreover, in the year 2020 and 2021 Covid-19 pandemic situation was going on and therefore, he could not file the Original Application in time. Hence, this application.

4. The affidavit-in-reply is filed on behalf of the respondent Nos.3 & 4, thereby denying the adverse contentions raised in the application. It is contended that the applicant has no good case on merits. The delay is not explained properly.

5. The applicant filed affidavit-in-rejoinder denying adverse contentions raised in the affidavit-in-reply.

6. I have heard at length the arguments advanced by Shri K.B. Jadhav, learned Advocate for the applicant on one hand and Shri D.R. Patil, learned Presenting Officer representing the respondents on other hand.

7. After having considered the facts and circumstances of the case, it is evident that there is delay of about 3 years and 1 month in filing the Original Application. It is contention of the applicant that after impugned recovery order, he retired within the period of about two years wherein the recovery was going on and after his retirement his pension papers were also delayed. The delay is not deliberate and intentional one.

8. Considering the facts of the case, the applicant is seeking refund of recovered amount. He is also challenging the re-fixation order by which the recovery is sought. In view of the same, fair opportunity is required to be given to the applicant to agitate his rights in respect of his monetary relief. No doubt, some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, the said delay cannot be said to be deliberate and intentional one. Thereby the applicant had nothing to gain.

9. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. In the facts and circumstances of this case, refusing to give indulgence in the matter is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay of about 3 years and 1 month caused in filing the Original Application by taking liberal approach and by imposing moderate costs upon the applicant. I compute the costs of Rs.1000/- (One Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 25/2022 is allowed in following terms:-

The delay of about 3 years and 1 month caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1000/-

//6// M.A.25/2022 IN
O.A.699/2021

(One Thousand only) by the applicant. 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.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.427 OF 2022 IN O.A.ST.NO.1518 OF 2022
(Sachin R. Shinde V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. Issue notice to respondents in M.A.No.427/2022, returnable on 18.10.2022.

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

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

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

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

7. S.O. to 18.10.2022.

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

MEMBER (J)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.429 OF 2022 IN O.A.ST.NO.1671 OF 2022
(Ganpat L. Shewalkar & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By this application the applicants are seeking to sue the respondents jointly contending that they all have been transferred by the common impugned order dated 15.09.2022 (Annex. 'A-2') issued by the Superintendent of Police (Head Quarter) in the office of respondent No.1. By the said order all the applicants have been repatriated to their original establishment of Superintendent of Police, Nanded.

3. However, learned Advocate for the applicant seeks liberty to continue the present Original Application only in respect of the applicant No.5 and submits that rests of the applicants would file separate Original Application. Liberty as prayed for deleting the names of the applicant Nos.1 to 4 from cause title of Original Application is granted.

//2// M.A.429/2022 In
O.A.St.1671/2022

4. In view of the same, the present accompanying Original Application will continue only in respect of the applicant No.5 i.e. Mahachandramani Bhimrao Kamble.

5. Accordingly, the Misc. Application stands disposed of. No order as to costs.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION ST.NO.1671 OF 2022
(Mahachandramani Bhimrao Kamble V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. This Original Application is filed challenging the impugned order of transfer/repatriation dated 15.09.2022 (Annex. 'A-2') to the extent of this applicant and seeking interim stay to the execution of said order on the ground that it is issued in contravention of the provisions of Section 22N and 22J(3) & (4) of Maharashtra Police Act.

3. The applicant was earlier transferred from the establishment of Superintendent of Police, Nanded to High Way Police Branch vide order dated 07.06.2018 (page No.19 of P.B.) The applicant is working on the post of Police constable governed under the definition of "Constabulary". The normal tenure of the applicant in a special branch as per Section 22N(1) (b) is of five years. Hence the impugned order of transfer is mid-tenure and mid-term. As per

Section 22N and 22J (3), the competent transferring authority is Police Establishment Board at Levels of Specialized Agency as the applicant was working in Traffic Branch before his transfer.

4. Prima facie it appears that in the transfer order, there is no mention of the said competent transferring authority. In view of the same, prima-facie it seems that there is contravention but the applicant has been relieved.

5. Learned Advocate for the applicant submitted that the applicant has been relieved unilaterally as being reflected from the order itself and the applicant is not attending his duties in Traffic Branch since 20.09.2022.

6. Learned P.O. for the respondents submits that he would seek instructions and file affidavit-in-reply.

7. Learned Advocate for the applicant seeks order of status quo as the applicant has been unilaterally relieved.

8. In the circumstances, if status quo is granted the administrative difficulties which are likely to arise cannot be later on addressed by this Tribunal effectively and ultimately the applicant is likely to be affected. In view of the same, in my considered opinion, this is a fit case to issue notice

but considering the urgency of the matter hearing of the application is expedited.

9. Issue notice to respondents, returnable on 17.10.2022.

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

11. 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.

12. 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.

13. 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.

14. S.O. to 17.10.2022.

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

MEMBER (J)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.986 OF 2019
(Somnath B. Nivare V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 16.11.2022.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.129 OF 2021
(Dr. Sheshrao P. Lohgave V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that in spite of grant of opportunities, affidavit-in-reply is not filed on behalf of the respondents.

3. Today also the respondents are failed to file the affidavit-in-reply, when the matter is fixed for admission.

4. The matter is pertaining to continuation of service and service benefits thereof. In the circumstances, the Original Application is admitted and fixed for final hearing.

5. The burden is upon the applicant to produce on record the necessary documents which would require for deciding the Original Application.

6. S.O. to 11.11.2022 for final hearing.

MEMBER (J)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.806 OF 2021
(Pralhad S. Sonune V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Shri V.G. Salgare, learned Advocate for the applicant, is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 14.11.2022.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.27 OF 2022
(Shaikh Hameed Shaikh Hyder V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri R.R. Bangar, learned Advocate holding for Shri I.D. Maniyar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents submits that he would file affidavit-in-sur-rejoinder during the course of the day.

3. S.O. to 11.11.2022 for admission.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.46 OF 2022
(Adinath Ashruba Nagargoje V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Pleadings are complete. The matter is pertaining to seeking direction to decide the representations of the applicant seeking transfer in Aurangabad Circle.

3. Hence, the matter is fixed for hearing at the stage of admission on 03.11.2022.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.68 OF 2022
(Laxman S. Kolhe V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Shri A.S. Deshmukh, learned Advocate for the applicant has filed a **leave note**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. In view of leave note of learned Advocate for the applicant, S.O. to 21.10.2022 for admission.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.99 OF 20122
(Rohit C. Mote V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. Record shows that the pleadings are complete upto affidavit-in-rejoinder.

3. The matter is pertaining to compassionate appointment. It is admitted and fixed for final hearing on 03.11.2022.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.304 OF 2022
(Nitin P. Mankar & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., S.O. to 10.10.2022 for hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.401 OF 2022 IN O.A.NO.853 OF 2018
(Pramod C. Bute V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. The Original Application has already been treated as part heard.

3. At the request of the learned P.O., S.O. to 17.10.2022.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.404 OF 2022 IN O.A.NO.330 OF 2022
(Datta B. Nannaware & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri V.P. Golewar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By this application the applicants are seeking various interim reliefs such as prohibiting order of not discontinuing the services of the applicants; Stay to the process of outsourcing the service of Data Entry Operators and seeking payment of salary/honorarium for the work done.

3. All the applicants are working as Data Entry Operators from the dates as mentioned in the Annex. 'A-4', page No.50 ranging from 01.03.2013 to 01.04.2017 from time to time. They have been given continuity in service on contractual basis.

4. The present Misc. Application is filed in view of the tender for outsourcing the work of Data Entry Operator dated 12.09.2022. In view of the said process, the applicants apprehend that their services are likely to be discontinued without following due procedure of law. According to the

applicants they are entitled for continuation of services since they are long standing working continuously on that post. Their grievance is that since April 2022, they have not been paid their requisite salary/ honorarium though the respondents have extracted work from them.

5. Learned P.O. sought time to seek instructions and file affidavit-in-reply at the earliest.

6. Considering the facts and circumstances, in my considered opinion, it would be just and proper to grant interim relief to the extent of releasing payment of salary/honorarium to the applicants in terms of prayer clause 'E' in M.A. Accordingly, the prayer clause 'E' in M.A. is granted.

7. Issue notice to respondents in M.A.No.404/2022, returnable on 18.10.2022.

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

9. 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.

10. 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.

11. 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.

12. S.O. to 18.10.2022.

13 Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.29 OF 2017
(Shankar D. Chaudhari V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 & 4. Shri Y.M. Patil, learned Advocate for the respondent Nos.2 & 3, is **absent**.

2. The present matter is closed for order.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.370 OF 2019
(Yasmin Hashmi Vasim Hashmi V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri I.S. Thorat learned Presenting Officer for the respondent Nos.1 to 4 & 6 and Shri M.S. Taur, learned Advocate for the respondent No.5.

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

3. By consent of all the parties, S.O. to 19.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.427 OF 2019
(Ranjeet S. Savale (Dhangar) V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

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

3. At the request of the learned P.O., S.O. to 17.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.701 OF 2019
(Bapusaheb V. Patare V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

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 matter is closed for order.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.302 OF 2020
(Rajesh M. Choudhary V/s. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.317 OF 2020
(Eman Najir MirzaV/s. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.05 OF 2021
(Dr. Kalimoddion Ajij Shaikh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri R.R. Bangar, learned Advocate holding for Shri I.D. Maniyar, learned Advocate for the applicants in all these O.As. and Shri S.K. Shirse, learned Presenting Officer for the respondents in all these O.As.

2. The present matters have already been treated as part heard.

3. At the request of learned Advocate for the applicants, S.O. to 14.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.566 OF 2020
(Nathu N. Khadtare & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

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

3. By consent of both the sides, S.O. to 20.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.99 OF 2021
(Shrikant V. Mundhe V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

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

3. By consent of both the sides, S.O. to 13.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.550 OF 2021
(Shobha S. Bidhe & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. By consent of both the sides, S.O. to 20.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.712 OF 2021
(Dr. Subhash G. Kabade V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

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

3. By consent of both the sides, S.O. to 17.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.620 OF 2018
(Baban D. Gadekar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 16.11.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.626 OF 2018
(Dilip S. Pawar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri Sanket N. Suryawanshi, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 15.11.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.103 OF 2019
(Balkrishna R. Chhallare V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri Sanket N. Suryawanshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 15.11.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.03 OF 2020
(Anil V. Lad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Shri M.S. Karad, learned Advocate for the applicant, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos.1 to 4. Shri A.S. Deshmukh, learned Advocate for the respondent No.5 has filed a **leave note**.

2. In view of absence of learned Advocate for the applicant and in view of leave note of learned Advocate for the respondent No.5, S.O. to 07.11.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.502 OF 2020
(Shrikant B. Kulkarni V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 20.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.507 OF 2020
(Anil S. Burkul V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 15.11.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.575 OF 2020
(Kondabai R. Ghadge & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri K.M. Nagarkar, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 20.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.50 OF 2021
(Ravindra K. Deshmukh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri Ganesh V. Mohekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 20.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.115 OF 2021
(Kadubai S. Gaikwad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 13.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.175 OF 2021
(Ajay R. More V/s. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.689 OF 2021
(Ajay R. More V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicants in both the O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondents in both the O.As.

2. By consent of both the sides, S.O. to 18.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.186 OF 2021
(Namdeo A. Fad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 21.11.2022 for final hearing.

3. Interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.229 OF 2021
(Balbirshingh Jagannath Prasad Tyagi V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 18.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.313 OF 2021
(Pandurang M. Kamble V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 11.11.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.41 OF 2022
(Nagesh D. Harne & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 18.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.269 OF 2021
(Kishor G. Narwade V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. Record shows that in spite of grant of opportunities, affidavit-in-rejoinder is not filed on behalf of the applicant. Hence, the present matter will proceed further without affidavit-in-rejoinder.

3. S.O. to 21.11.2022 for admission.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.576 OF 2021
(Atmaram M. Raut V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that he would file affidavit-in-rejoinder during the course of the day.

3. S.O. to 09.11.2022 for admission. Interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.681 OF 2021
(Govind H. Darade V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. Record shows that in spite of grant of opportunities, affidavit-in-reply is not filed on behalf of the respondent No.5. Hence, the present matter will proceed further without affidavit-in-reply of the respondent No.5.

3. Learned Advocate for the applicant submits that he would file affidavit-in-rejoinder during the course of the day.

4. S.O. to 09.11.2022 for admission. Interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.85 OF 2022
(Madhav B. Nilawad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

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

3. S.O. to 09.11.2022.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.327 OF 2022
(Muzaffar Abdul Sayeed Shaikh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Affidavit-in-rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the side.

3. S.O. to 21.10.2022 for admission.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.372 OF 2022
(Babasaheb S. Korekar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

2. Record shows that in spite of grant of opportunities, affidavit-in-reply is not filed on behalf of the respondents. Hence, the present matter will proceed further without affidavit-in-reply of the respondents in accordance with law.

3. S.O. to 20.10.2022 for admission. Interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.689 OF 2022
(Madhav B. Marde Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicants, Smt. Sanjivani K. Deshmukh-Gahte, learned Presenting Officer for the respondent Nos.1 to 4 and Shri G.N. Patil, learned Advocate for the respondent Nos.5 & 6.

2. Affidavit-in-reply filed on behalf of the respondent Nos.5 & 6 is taken on record and copies thereof have been served on the other sides.

3. Learned P.O. seeks time for filing affidavit-in-reply on behalf of the respondent Nos.1 to 4. Time is granted.

4. S.O. to 17.10.2022.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.829 OF 2022
(Musaddiq Ahmed Madni Masood Ahmed Madni V/s. State of Maharashtra &
Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri P.D. Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 14.11.2022.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.251/2022 IN M.A.NO.18/2020 IN O.A.NO.81 OF 2018
(Sayyed Wali Abdul Khadar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

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

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

3. S.O. to 20.10.2022.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD
M.A.NO.330 OF 2022 IN O.A.ST.NO.196 OF 2022
(Vaibhav V. Shirsath V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022.

ORAL ORDER :

Heard Shri Madhav Ghode, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. At the request of the learned Advocate for the applicant, S.O. to 20.11.2022 for taking necessary steps.

MEMBER (J)

SAS ORAL ORDERS 29.09.2022

**FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**C.P. No. 30/2019 in O.A. No. 526/2011
(Mohd. Azizullah Khan since died through his widow Smt. Qusiya
Shameen M.A. Khan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

O R D E R

(Per- Hon'ble Shri Bijay Kumar, Member (A))

Most respectfully and humbly, I hereby, put on record as supplementary/separate order as follows :-

1. The need for making a brief mention of the facts buttressing the conclusion arrived at as stated in the Oral Order dated 19.09.2022 was deliberated before finalizing and uploading the said order. As a procedural requirement in this regard, the Contempt Petition No. 30 of 2019 along with the Original Application No. 526 of 2011 was decided to be taken on Board for further consideration. Accordingly, the matter which was not on Board was taken on Board on 27.09.2022.

2. First of all it was observed that the Respondents / Contemnors had complied with the point No. (ii) of the order of this Tribunal passed in O.A. No. 526 of 2011 on 20.08.2018. Further, this Tribunal also required the Respondents to take following actions in respect of points No. (iii) to (v) within time-frame mandated in point No. (vi) of the said order as briefly mentioned below :-

(a) to re-consider the decision given vide letter dated 11.05.2009 and to consider the aspects as to whether the absence period of the applicant from 01.07.1980 to 30.06.1989 can be adjusted towards any kind of leave as may be admissible to the applicant,

(b) to consider absence period of the applicant from 01.07.1989 to 31.10.2001 as compulsory waiting period/ extra-ordinary leave, as admissible as per provisions of MCS (General Conditions of Service) Rules, 1981.

(c) to take decision as regards pension and pensionary benefits that can be granted to the applicant.

3. The respondents have considered above points as directed by this Tribunal and decided the same in consultation with concerned Administrative Departments and submitted Action Taken Reports. On one hand, the respondents have contended that they have complied with the orders of this Tribunal and on the other hand, the petitioners have alleged that the decision taken by the Respondents are not in accordance with letter and spirit of the order passed by this Tribunal read in entirety without having isolated reading of the operative part of the said order.

4. In my considered opinion, it is important to appreciate that the Tribunal, after considering all the

facts before it in O.A. No. 526 of 2011 gave latitude to the Respondents to take decisions instead of itself determining the merits of the prayers made by the Applicant and passing definitive orders in respect of long duration absence from duty of the Applicant and making benefits of pension admissible. In my opinion, it is in interest of justice to appreciate that the contemnors/ respondents have carried out consultation process as per Rules of Business and not gone in pursuance of whims of individual functionary.

5. In my considered opinion, in order to determine admissibility of claims made by the applicants regarding regularization of absence period or regarding sanction of compulsory waiting period, competent authority or the adjudicating forum like this Tribunal, as the case may be, shall require primary evidence to be on record which may substantiate the claims of the applicant and such authority may not go only by secondary evidences. Therefore, the learned senior Counsel for the applicant was asked about submission of *Report for Duty* on 10.05.1989 by the applicant before the competent authority sanctioning leave / compulsory waiting period and subsequently, before this Tribunal at any stage of adjudication of the Original Application No. 526 Of 2011; as per provisions of rule 47 (4) a) and 47 (4) (b) of The Maharashtra Civil Services (leave) Rules, 1981. The Ld. senior counsel for the applicant has responded by taking technical stand

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C.P. No. 30/2019 in
O.A. No. 526/2011

that at this stage the O.A. No. 526/2011 cannot be reopened.

6. In my considered opinion, rule 47 (1) (b) and 48 (1) (c) of The Maharashtra Civil Services (Pension) Rules, 1982 are also relevant in order to determine willful disobedience and therefore, response of Ld. senior counsel for the Applicant and Ld. Presenting Officer were solicited.

7. With permission of Hon'ble Vice Chairman the process of further consideration was concluded. In order to preserve integrity and sanctity of the process, the Registry may take further steps in accordance with the Oral Orders passed on 19.09.2022 and read over in open court on 27.09.2022 by the Hon'ble Vice-Chairman.

MEMBER (A)

KPB ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. No. 286/2020 in O.A. St. No. 1059/2020
(Prabhakar Mallappa Kawathekar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

ORDER

The present Misc. Application is filed seeking condonation of delay of about 12 years, 03 months and 07 days caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking relief of one annual increment which was fallen due on 01.07.2007 i.e. after his retirement on superannuation on 30.06.2007.

2. The applicant entered into service of Government of Maharashtra in it's Agriculture Department on 23.09.1967 as a Tracer and thereafter he was transferred in Finance Department in June 1983. The date of birth of the applicant is 01.07.1949. He retired on superannuation on 30.06.2007 as Audit Officer.

3. After getting last annual increment on 01.07.2006, the applicant worked for whole one year from 01.07.2006 to 30.06.2007. His next annual increment was due on 01.07.2007. He however, retired on superannuation on 30.06.2007. In similarly placed situation the Government servants have got relief of such annual increment. The applicant is seeking the said relief by filing the accompanying O.A. However, there is delay of about 12 years, 03 months and 07

days caused in filing the accompanying O.A. The delay is not deliberate or intentional one. The applicant is seeking his legal entitlement for having worked of tenure of service for one year. The applicant is suffering from old aged illness and therefore, he could not approach this Tribunal in time. Hence, the present Misc. Application.

4. No affidavit in reply is filed on behalf of respondents, in spite of grant of opportunities.

5. I have heard the arguments advanced by Shri G.J. Kore, learned Advocate for the applicant on one hand and Smt. M.S. Patni, learned Presenting Officer for the respondents on the other hand.

6. In order to substantiate the claim of one annual increment, the applicant is relying upon the decision of the co-ordinate Bench of this Tribunal at Nagpur in O.A. No. 134/2018 in the matter of Ramesh Buddulal Pandel vs. The State of Maharashtra and Ors. dated 25.01.2019. In view of the same, it seems that the applicant has got good case on merits.

7. Learned Presenting Officer while resisting the present Misc. Application contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed. However, there is no affidavit in reply is filed on behalf of respondents in spite of grant of various opportunities.

8. Considering the facts of the case, it appears that the applicant has good case on merits. No doubt there is delay in filing the accompanying O.A. The applicant is seeking his claim on the basis of Maharashtra Civil Services (Revised Pay) Rules, 2009, which are made applicable from 01.01.2006. The applicant is retired w.e.f. 30.06.2007. To what extent the applicant will be entitled for monetary relief can be well considered in the O.A.

8. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. Refusing to condone delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 1000/- on the applicant. Hence, I proceed to pass following order:-

ORDER

The Misc. Application No. 286/2020 is allowed in following terms:-

- (i) The delay of 12 years, 03 months and 07 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1000/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal

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M.A. 286/2020 in
O.A. St. 1059/2020

by the applicant within a period of one month from the date of this order.

- (ii) 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)

KPB ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. No. 84/2021 in O.A. St. No. 263/2021
(Raju Prabhakar Korde V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

O R D E R

The present Misc. Application is filed seeking condonation of delay of about 220 days caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking to challenge the impugned communication dated 07.12.2016 (part of Annexure A-7 collectively at page No. 34 of the paper book in O.A.) denying compassionate appointment to the applicant.

2. The father of the applicant named Prabhakar Uttamrao Korde while in Government service died in harness on 01.03.2008. His widow made application on 16.04.2008 (part of Annexure A-1 collectively at page No. 15 of the paper book in O.A.) seeking compassionate appointment. She however, was not keeping well. Hence, she placed on record application dated 22.06.2009 (part of Annexure A-2 collectively at page No. 16 of the paper book in O.A.) seeking compassionate appointment to her son i.e. the applicant, who was then minor. Thereafter, the applicant made formal application dated 04.06.2012 (part of Annexure A-4 collectively at page No. 21 of the paper book in O.A.) seeking compassionate appointment and stating that his date of birth is dated

15.06.1992. Thereafter, the applicant made representations dated 10.03.2015, 10.04.2015 & 10.05.2015 (Annexure A-5 collectively in O.A.) pursuing compassionate appointment for himself. However, by the impugned communication dated 07.12.2016 (part of Annexure A-7 collectively at page No. 34 of the paper book in O.A.) the claim of the applicant was denied on the ground that there is no policy for substitution in the name of legal representatives of the deceased Government servant for getting compassionate appointment. Thereafter, the applicant made representation dated 09.04.2017 (part of Annexure A-8 collectively at page No. 35 of the paper book in O.A.) seeking compassionate appointment. Upon that the respondent No. 4 has submitted proposal dated 12.07.2017 (part of Annexure A-8 collectively at page No. 37 of the paper book in O.A.) to the respondent No. 1 for review. In view above, the applicant has good case on merits. The delay in filing the accompanying O.A. is not deliberate or intentional one. The applicant is seeking relief for consideration of his representations. Hence, the present Misc. Application.

3. The affidavit in reply is filed on behalf of respondent Nos. 3 to 6 by one Shri Prashant Bhaskarrao Jadhav, working as Executive Engineer, Jayakwadi Irrigation Division Paithan, Dist. Aurangabad thereby denying the adverse contentions raised in the present Misc. Application and contending

that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed.

4. I have heard the arguments advanced by Shri N.P. Bangar, learned Advocate for the applicant on one hand, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Mene, learned Advocate for respondent Nos. 3 to 6 on the other hand.

5. Considering the facts of the present case, it appears that the applicant is seeking compassionate appointment for substitution in the name of his mother. The application for compassionate appointment seems to have been made by his mother, when he was complete 16 years of age. Thereafter, after completion of 20 years of age, the applicant made applications individually.

6. The accompanying O.A. is filed on or about 25.02.2021. The impugned order is dated 07.12.2016. The applicant's representation after rejection is dated 09.04.2017. Upon that the respondent No. 4 sent proposal dated 12.07.2017 to the respondent No. 1. In view of the same, the O.A. ought to have been filed on or before 16.06.2018. Hence, there is delay of about 20 months caused in filing the accompanying O.A. The said delay cannot be said to be deliberate or intentional one. Meanwhile there is Covid-19

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M.A. 84/2021 in
O.A. St. 263/2021

pandemic situation from 15.03.2020 onwards till about June 2021.

7. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. Refusing to condone delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay expressing sufficient cause liberally by imposing the moderate costs of Rs. 500/- on the applicant. Hence, I proceed to pass following order:-

ORDER

The Misc. Application No. 84/2021 is allowed in following terms:-

- (i) The delay of 220 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 500/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal by the applicant within a period of one month from the date of this order.
- (ii) 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)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. No. 287/2020 in O.A. St. No. 1061/2020
(Bhalchandra Pandurang Dharurkar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

O R D E R

The present Misc. Application is filed seeking condonation of delay of about 08 years, 03 months and 07 days caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking relief of one annual increment which was fallen due on 01.07.2011 i.e. after his retirement on superannuation on 30.06.2011.

2. The applicant was entered into service of Government of Maharashtra in it's Revenue Department as a Clerk on 20.11.1970. On 13.01.1973 he was transferred in Krushi Department. The date of birth of the applicant is 17.06.1953. He retired on superannuation on 30.6.2011 as Asst. Superintendent.

3. After getting last annual increment on 01.07.2010, the applicant worked for whole one year from 01.07.2010 to 30.06.2011. His next annual increment was due on 01.07.2011. He however, retired on superannuation on 30.06.2011. In similarly placed situation the Government servants have got relief of such annual increment. The applicant is seeking the said relief by filing the accompanying O.A. However,

there is delay of about 08 years, 03 months and 07 days caused in filing the accompanying O.A. The delay is not deliberate or intentional one. The applicant is seeking his legal entitlement for having worked of tenure of service for one year. The applicant is suffering from old aged illness and therefore, he could not approach this Tribunal in time. Hence, the present Misc. Application.

4. The affidavits in reply are separately filed on behalf of respondent Nos. 1 & 2 respectively, thereby they have denied the adverse contentions raised in the present Misc. Application and contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed.

5. I have heard the arguments advanced by Shri G.J. Kore, learned Advocate for the applicant on one hand and Shri N.U. Yadav, learned Presenting Officer for the respondents on the other hand.

6. In order to substantiate the claim of one annual increment, the applicant is relying upon the decision of the co-ordinate Bench of this Tribunal at Nagpur in O.A. No. 134/2018 in the matter of Ramesh Buddulal Pandel vs. The State of Maharashtra and Ors. dated 25.01.2019. In view of the same, it seems that the applicant has got good case on merits.

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M.A. 287/2020 in
O.A. St. 1061/2020

7. Learned Presenting Officer while resisting the present Misc. Application contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed.

8. Considering the facts of the case, it appears that the applicant has good case on merits. No doubt there is delay in filing the accompanying O.A. The applicant is seeking his claim on the basis of Maharashtra Civil Services (Revised Pay) Rules, 2009, which are made applicable from 01.01.2006. The applicant is retired w.e.f. 30.06.2011. To what extent the applicant will be entitled for monetary relief can be well considered in the O.A.

9. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. Refusing to condone delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 1000/- on the applicant. Hence, I proceed to pass following order:-

ORDER

The Misc. Application No. 287/2020 is allowed in following terms:-

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M.A. 287/2020 in
O.A. St. 1061/2020

- (i) The delay of 08 years, 03 months and 07 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 750/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal by the applicant within a period of one month from the date of this order.
- (ii) 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)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. No. 289/2020 in O.A. St. No. 1065/2020
(Pandharenath Bhagwanrao Dhorge V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

ORDER

The present Misc. Application is filed seeking condonation of delay of about 13 years, 03 months and 07 days caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking relief of one annual increment which was fallen due on 01.07.2006 i.e. after his retirement on superannuation on 30.06.2006.

2. The applicant entered into service of Government of Maharashtra in it's Revenue Department on 19.11.1970 as a Clerk and thereafter he was transferred in Finance Department on 05.01.1990. The date of birth of the applicant is 05.06.1948. He retired on superannuation on 30.6.2006 as Asst. Audit Officer.

3. After getting last annual increment on 01.07.2005, the applicant worked for whole one year from 01.07.2005 to 30.06.2006. His next annual increment was due on 01.07.2006. He however, retired on superannuation on 30.06.2006. In similarly placed situation the Government servants have got relief of such annual increment. The applicant is seeking the said relief by filing the accompanying O.A. However, there is delay of about 13 years, 03 months and 07

days caused in filing the accompanying O.A. The delay is not deliberate or intentional one. The applicant is seeking his legal entitlement for having worked of tenure of service for one year. The applicant is suffering from old aged illness and therefore, he could not approach this Tribunal in time. Hence, the present Misc. Application.

4. No affidavit in reply is filed on behalf of respondents, in spite of grant of opportunities.

5. I have heard the arguments advanced by Shri G.J. Kore, learned Advocate for the applicant on one hand and Shri D.R. Patil, learned Presenting Officer for the respondents on the other hand.

6. In order to substantiate the claim of one annual increment, the applicant is relying upon the decision of the co-ordinate Bench of this Tribunal at Nagpur in O.A. No. 134/2018 in the matter of Ramesh Buddulal Pandel vs. The State of Maharashtra and Ors. dated 25.01.2019. In view of the same, it seems that the applicant has got good case on merits.

7. Learned Presenting Officer while resisting the present Misc. Application contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed. However, there is no affidavit in reply is filed on behalf of respondents in spite of grant of various opportunities.

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M.A. 289/2020 in
O.A. St. 1065/2020

8. Considering the facts of the case, it appears that the applicant has good case on merits. No doubt there is delay in filing the accompanying O.A. The applicant is seeking his claim on the basis of Maharashtra Civil Services (Revised Pay) Rules, 2009, which are made applicable from 01.01.2006. The applicant is retired w.e.f. 30.06.2006. To what extent the applicant will be entitled for monetary relief can be well considered in the O.A.

9. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. Refusing to condone delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 1000/- on the applicant. Hence, I proceed to pass following order:-

ORDER

The Misc. Application No. 289/2020 is allowed in following terms:-

- (i) The delay of 13 years, 03 months and 07 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1000/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal

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M.A. 289/2020 in
O.A. St. 1065/2020

by the applicant within a period of one month from the date of this order.

- (ii) 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)

KPB ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. No. 290/2020 in O.A. St. No. 1067/2020
(Vilas Vithalrao Sathe V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

O R D E R

The present Misc. Application is filed seeking condonation of delay of about 67 days caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking relief of one annual increment which was fallen due on 01.07.2019 i.e. after his retirement on superannuation on 30.06.2019.

2. The applicant was entered into service of Government of Maharashtra in it's Police Department as a Constable on 15.02.1988. The date of birth of the applicant is 02.06.1961. He retired on superannuation on 30.06.2019 as Police Head Constable.

3. After getting last annual increment on 01.07.2018, the applicant worked for whole one year from 01.07.2018 to 30.06.2019. His next annual increment was due on 01.07.2019. He however, retired on superannuation on 30.06.2019. In similarly placed situation the Government servants have got relief of such annual increment. The applicant is seeking the said relief by filing the accompanying O.A. However, there is delay of about 67 days caused in filing the

accompanying O.A. The delay is not deliberate or intentional one. The applicant is seeking his legal entitlement for having worked of tenure of service for one year. The applicant is suffering from old aged illness and therefore, he could not approach this Tribunal in time. Hence, the present Misc. Application.

4. The affidavit in reply is filed on behalf of respondent Nos. 1 & 2 by one Shri Rajendra Manikrao Motale, working as Police Inspector (Control Room) in the office of Superintendent of Police, Osmanabad, thereby he denied the adverse contentions raised in the present Misc. Application and contended that no sufficient cause has been shown by the applicant for condonation of delay. Hence, the present Misc. Application is liable to be dismissed.

5. I have heard the arguments advanced by Shri G.J. Kore, learned Advocate for the applicant on one hand and Shri B.S. Deokar, learned Presenting Officer for the respondents on the other hand.

6. In order to substantiate the claim of one annual increment, the applicant is relying upon the decision of the co-ordinate Bench of this Tribunal at Nagpur in O.A. No. 134/2018 in the matter of Ramesh Buddulal Pandel vs. The State of Maharashtra and Ors. dated 25.01.2019. In view of the same, it seems that the applicant has got good case on merits.

7. Learned Presenting Officer while resisting the present Misc. Application contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed.

8. Considering the facts of the case, it appears that the applicant has good case on merits. No doubt there is delay in filing the accompanying O.A. The applicant is seeking his claim on the basis of Maharashtra Civil Services (Revised Pay) Rules, 2009, which are made applicable from 01.01.2006. The applicant is retired w.e.f. 30.06.2019. To what extent the applicant will be entitled for monetary relief can be well considered in the O.A.

9. The accompanying O.A. is filed on or about 08.10.2020, which was during Covid-19 pandemic period. However, there is an order of Hon'ble Apex Court in *sue-motu* petition that limitation period is exempted, if the cause of action is arisen during the period from 15.03.2020 to 28.02.2022 & 90 days thereafter. In view of the same, considering above-said position, there is a marginal delay of few days caused in filing the accompanying O.A.

10. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. Considering the facts and circumstances of the case, refusing to condone delay is likely to defeat the cause

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M.A. 290/2020 in
O.A. St. 1067/2020

of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay. Hence, I proceed to pass following order :-

ORDER

1. The M.A. No. 290/2020 is allowed.
2. The delay of 67 days caused in filing the accompanying Original Application is hereby condoned.
3. Accordingly, the M.A. stands disposed of. The Registry is directed to register and number the accompanying O.A. in accordance with law by taking into account other office objection/s, if any.
4. No order as to costs.

MEMBER (J)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. No. 291/2020 in O.A. St. No. 1070/2020
(Jilani Azimoddin Shaikh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

ORDER

The present Misc. Application is filed seeking condonation of delay of about 09 years, 03 months and 07 days caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking relief of one annual increment which was fallen due on 01.07.2010 i.e. after his retirement on superannuation on 30.06.2010.

2. The applicant entered into service of Government of Maharashtra in it's Irrigation Department on 12.07.1973 as a Clerk. The date of birth of the applicant is 20.06.1952. He retired on superannuation on 30.06.2010 as Senior Clerk.

3. After getting last annual increment on 01.07.2009, the applicant worked for whole one year from 01.07.2009 to 30.06.2010. His next annual increment was due on 01.07.2010. He however, retired on superannuation on 30.06.2010. In similarly placed situation the Government servants have got relief of such annual increment. The applicant is seeking the said relief by filing the accompanying O.A. However, there is delay of about 09 years, 03 months and 07

days caused in filing the accompanying O.A. The delay is not deliberate or intentional one. The applicant is seeking his legal entitlement for having worked of tenure of service for one year. The applicant is suffering from old aged illness and therefore, he could not approach this Tribunal in time. Hence, the present Misc. Application.

4. No affidavit in reply is filed on behalf of respondents, in spite of grant of opportunities.

5. I have heard the arguments advanced by Shri G.J. Kore, learned Advocate for the applicant on one hand, Shri B.S. Deokar, learned Presenting Officer for the respondent No. 1 and Shri S.D. Dhongde, learned Advocate for respondent No. 2 on the other hand.

6. In order to substantiate the claim of one annual increment, the applicant is relying upon the decision of the co-ordinate Bench of this Tribunal at Nagpur in O.A. No. 134/2018 in the matter of Ramesh Buddulal Pandel vs. The State of Maharashtra and Ors. dated 25.01.2019. In view of the same, it seems that the applicant has got good case on merits.

7. Learned Presenting Officer while resisting the present Misc. Application contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed. However, there is no affidavit in reply is filed on behalf of respondents in spite of grant of various opportunities.

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M.A. 291/2020 in
O.A. St. 1070/2020

8. Considering the facts of the case, it appears that the applicant has good case on merits. No doubt there is delay in filing the accompanying O.A. The applicant is seeking his claim on the basis of Maharashtra Civil Services (Revised Pay) Rules, 2009, which are made applicable from 01.01.2006. The applicant is retired w.e.f. 30.06.2010. To what extent the applicant will be entitled for monetary relief can be well considered in the O.A.

9. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. Refusing to condone delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 750/- on the applicant. Hence, I proceed to pass following order:-

ORDER

The Misc. Application No. 290/2020 is allowed in following terms:-

- (i) The delay of 09 years, 03 months and 07 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 750/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal

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M.A. 291/2020 in
O.A. St. 1070/2020

by the applicant within a period of one month from the date of this order.

- (ii) 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)

KPB ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. No. 292 /2020 in O.A. St. No. 1072/2020
(Shaikh Rahim Shaikh Chand V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

O R D E R

The present Misc. Application is filed seeking condonation of delay of about 10 years, 03 months and 07 days caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking relief of one annual increment which was fallen due on 01.07.2009 i.e. after his retirement on superannuation on 30.06.2009.

2. The applicant was entered into service of Government of Maharashtra in it's Public Works Department as a Driver on 30.06.1969. The date of birth of the applicant is 12.06.1951. He retired on superannuation on 30.6.2009 as Driver.

3. After getting last annual increment on 01.07.2008, the applicant worked for whole one year from 01.07.2008 to 30.06.2009. His next annual increment was due on 01.07.2009. He however, retired on superannuation on 30.06.2009. In similarly placed situation the Government servants have got relief of such annual increment. The applicant is seeking the said relief by filing the accompanying O.A. However, there

is delay of about 10 years, 03 months and 07 days caused in filing the accompanying O.A. The delay is not deliberate or intentional one. The applicant is seeking his legal entitlement for having worked of tenure of service for one year. The applicant is suffering from old aged illness and therefore, he could not approach this Tribunal in time. Hence, the present Misc. Application.

4. The affidavit in reply is filed on behalf of respondent Nos. 1 & 2 by one Shri Vilas Nivriti Gapat, working as Sub Divisional Engineer, Public Works Sub-Division No. 1, Osmanabad, thereby he denied the adverse contentions raised in the present Misc. Application and contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed.

5. I have heard the arguments advanced by Shri G.J. Kore, learned Advocate for the applicant on one hand and Smt. Deepali Deshpande, learned Presenting Officer for the respondents on the other hand.

6. In order to substantiate the claim of one annual increment, the applicant is relying upon the decision of the co-ordinate Bench of this Tribunal at Nagpur in O.A. No. 134/2018 in the matter of Ramesh Buddulal Pandel vs. The State of Maharashtra and Ors. dated 25.01.2019. In view of the same, it seems that the applicant has got good case on merits.

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M.A. 292/2020 in
O.A. St. 1072/2020

7. Learned Presenting Officer while resisting the present Misc. Application contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed.

8. Considering the facts of the case, it appears that the applicant has good case on merits. No doubt there is delay in filing the accompanying O.A. The applicant is seeking his claim on the basis of Maharashtra Civil Services (Revised Pay) Rules, 2009, which are made applicable from 01.01.2006. The applicant is retired w.e.f. 30.06.2009. To what extent the applicant will be entitled for monetary relief can be well considered in the O.A.

9. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. Refusing to condone delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 750/- on the applicant. Hence, I proceed to pass following order:-

ORDER

The Misc. Application No. 292/2020 is allowed in following terms:-

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M.A. 292/2020 in
O.A. St. 1072/2020

- (i) The delay of 10 years, 03 months and 07 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 750/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal by the applicant within a period of one month from the date of this order.
- (ii) 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)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. No. 312/2020 in O.A. St. No. 1351/2020
(Ajgar Ali Mohiddin Shaikh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

O R D E R

The present Misc. Application is filed seeking condonation of delay of about 160 days caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking relief of one annual increment which was fallen due on 01.07.2019 i.e. after his retirement on superannuation on 30.06.2019.

2. The applicant was entered into service of Government of Maharashtra in it's Police Department as a Constable on 20.02.1986. The date of birth of the applicant is 05.06.1961. He retired on superannuation on 30.06.2019 as A.S.I.

3. After getting last annual increment on 01.07.2018, the applicant worked for whole one year from 01.07.2018 to 30.06.2019. His next annual increment was due on 01.07.2019. He however, retired on superannuation on 30.06.2019. In similarly placed situation the Government servants have got relief of such annual increment. The applicant is seeking the said relief by filing the accompanying O.A. However,

there is delay of about 160 days caused in filing the accompanying O.A. The delay is not deliberate or intentional one. The applicant is seeking his legal entitlement for having worked of tenure of service for one year. The applicant is suffering from old aged illness and therefore, he could not approach this Tribunal in time. Hence, the present Misc. Application.

4. The affidavit in reply is filed on behalf of respondent Nos. 1 & 2 by one Shri Rajendra Manikrao Motale, working as Police Inspector (Control Room) in the office of Superintendent of Police, Osmanabad, thereby he denied the adverse contentions raised in the present Misc. Application and contended that no sufficient cause has been shown by the applicant for condonation of delay. Hence, the present Misc. Application is liable to be dismissed.

5. I have heard the arguments advanced by Shri G.J. Kore, learned Advocate for the applicant on one hand and Smt. M.S. Patni, learned Presenting Officer for the respondents on the other hand.

6. In order to substantiate the claim of one annual increment, the applicant is relying upon the decision of the co-ordinate Bench of this Tribunal at Nagpur in O.A. No. 134/2018 in the matter of Ramesh Buddulal Pandel vs. The State of Maharashtra and Ors. dated 25.01.2019. In view of the same, it seems that the applicant has got good case on merits.

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M.A. 312/2020 in
O.A. St. 1351/2020

7. Learned Presenting Officer while resisting the present Misc. Application contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed.

8. Considering the facts of the case, it appears that the applicant has good case on merits. No doubt there is delay in filing the accompanying O.A. The applicant is seeking his claim on the basis of Maharashtra Civil Services (Revised Pay) Rules, 2009, which are made applicable from 01.01.2006. The applicant is retired w.e.f. 30.06.2019. To what extent the applicant will be entitled for monetary relief can be well considered in the O.A.

9. The accompanying O.A. is filed on or about 08.10.2020, which was during Covid-19 pandemic period. However, there is an order of Hon'ble Apex Court in *sue-motu* petition that limitation period is exempted, if the cause of action is arisen during the period from 15.03.2020 to 28.02.2022 & 90 days thereafter. In view of the same, considering above-said position, there is a marginal delay of few days caused in filing the accompanying O.A.

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M.A. 312/2020 in
O.A. St. 1351/2020

10. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. Considering the facts and circumstances of the case, refusing to condone delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay. Hence, I proceed to pass following order :-

ORDER

1. The M.A. No. 312/2020 is allowed.
2. The delay of 160 days caused in filing the accompanying Original Application is hereby condoned.
3. Accordingly, the M.A. stands disposed of. The Registry is directed to register and number the accompanying O.A. in accordance with law by taking into account other office objection/s, if any.
4. No order as to costs.

MEMBER (J)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. No. 347/2019 in O.A. St. No. 1444/2019
(Vijaykumar Marutrao Nawale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

ORDER

The present Misc. Application is filed seeking condonation of delay of about 300 days caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking to challenge the impugned decision dated 21.09.2017 (Annexure A-16 in O.A.) issued by the respondent No. 1, thereby rejecting the claim of the applicant seeking deemed date of promotion dated 18.05.2006 on the post of Asst. Director and 27.09.2010 on the post of Deputy Director and consequently seeking direction to that effect.

2. The accompanying O.A. is filed on 19.07.2019. There is delay of about 300 days caused in filing the accompanying O.A. It is contended that the applicant has good case on merits. Previously also the applicant was constrained to file O.A. No. 1138/2010 before the Principal Seat of this Tribunal at Mumbai seeking deemed date of promotion in the cadre of Asst. Director from the year 2006. The said O.A. was disposed of by the order dated 16.04.2015 giving appropriate direction to consider the representations made by the applicant in that regard. In view of the same, this is second round of litigation. Sometime was

consumed in collecting the documents under Right to Information Act. Therefore, there is no intentional and deliberate delay.

3. The affidavit in reply is filed on behalf of respondent Nos. 1 & 2 jointly and on behalf of respondent No. 5 separately, thereby they denied the adverse contentions raised in the present Misc. Application. According to them, the applicant has no case on merits. The delay in fact is not of about 300 days. It is more than that, as the applicant is seeking deemed date of promotion respectively of the year 2006 and 2010. Hence, the present Misc. Application is liable to be dismissed.

4. I have heard the arguments advanced by Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant on one hand, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri V.B. Wagh, learned Advocate for respondent No. 5.

5. Considering the dates involved in the mater, it is contended that there is delay of about 300 days caused in filing the accompanying O.A. No doubt the applicant is seeking deemed date of promotion of 18.05.2006 on the post of Asst. Director and 27.09.2010 on the post of Director. However, this is second round of litigation filed by the applicant. He is aggrieved by the impugned order / decision dated 21.09.2017 (Annexure A-16 in

O.A.) of the respondent No. 1. It appears that the applicant has a viable case, which requires consideration by way of O.A.

6. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. Considering the facts of the case, it is evident that refusing to condone delay is likely to defeat the cause of justice at the threshold. The applicant is agitating his own rights on the ground that on the appropriate stages, he was denied promotions. In view of the same, if the case of the applicant is considered, it is not going to affect the rights of any other Government servants. Hence, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 1000/- on the applicant. Hence, I proceed to pass following order:-

ORDER

The Misc. Application No. 347/2019 is allowed in following terms:-

- (i) The delay of 300 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1000/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal by the applicant

//4// M.A. No. 347/2019 in
O.A. St. No. 1444/2019

within a period of one month from the date of this order.

- (ii) 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)

KPB ORAL ORDERS 29.09.2022

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. No. 242/2019 in O.A. St. No. 897/2019
(Shripad Kisanrao Marakwar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

ORDER

The present Misc. Application is filed seeking condonation of delay of about 269 days caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking compassionate appointment.

2. The applicant is the son of Government servant named Kisan Chandrao Marakwar, who died in harness on 05.04.1999. The widow of deceased Government servant made application after death of her husband. Her name was taken in the waiting list. However, as per the letter dated 08.07.2008 (Annexure A-3 in O.A.) her name was deleted from the waiting list, as she crossed the age of 40 years, which disentitled her for compassionate appointment. The date of birth of the applicant is 21.06.1985. He attained the age of majority on 20.06.2003. The applicant made application for compassionate appointment on 17.01.2006 (part of Annexure A-4 collectively at page No. 28 of paper book in O.A.). His name was taken in the waiting list for appointment in Class-IV category. However, thereafter, the name of the applicant is deleted from the waiting list as per the communication dated 01.08.2017 (part of Annexure A-

7 collectively at page No. 41 of paper book in O.A.) as there is no provision for substitution. The accompanying O.A. is filed on or about 26.04.2019. Therefore, there is delay. However, it is contended that the delay is not deliberate or intentional one. The applicant approached the respondents repeatedly when he was assured of consideration of his case. Hence, the present Misc. Application.

3. The affidavit in reply is filed on behalf of respondent Nos. 1 to 4 by one Shri Shankarrao Vithalrao Totawar, working as Executive Engineer, Public Works Division, Bhokar, District Nanded, thereby he denied the adverse contentions raised in the present Misc. Application and contended that no sufficient cause is shown by the applicant for condonation of inordinate delay. Hence, the M.A. deserves to be rejected.

4. I have heard the arguments advanced by Shri Amol Gandhi, learned Advocate for the applicant on one hand and Shri S.K. Shirse, learned Presenting Officer for the respondents on the other hand.

5. Considering the dates involved in the matter, it appears that there is delay of about 269 days caused in filing the accompanying O.A. It appears that the applicant has a viable and good case on merits.

6. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. No doubt

some negligence can be attributed to the applicant in not approaching this Tribunal in time. However, the said delay cannot be said to be intentional. Thereby the applicant had nothing to gain. Refusing to condone delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 500/- on the applicant. Hence, I proceed to pass following order:-

ORDER

The Misc. Application No. 242/2019 is allowed in following terms:-

- (A) The delay of 269 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 500/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal by the applicant 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)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

M.A. No. 148/2022 in O.A. St. No. 595/2022
(Rahul Kerappa Gaikwad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.09.2022

ORDER

The present Misc. Application is filed seeking condonation of delay of about 2 years, 2 months and 29 days caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 challenging the impugned punishment order dated 17.07.2018 (Annexure A-4) passed by the respondent No. 4, which is confirmed by further impugned order dated 04.01.2019 (Annexure A-6) issued by the respondent No. 3 in appeal.

2. The accompanying O.A. along with the present Misc. Application is filed on or about 30.03.2022. There is delay of about 2 years, 2 months and 29 days caused in filing the accompanying O.A. However, the said delay is not deliberate or intentional one. The Original Application ought to have been filed by 04.01.2020. However, immediately thereafter COVID-19 pandemic situation was irrupted. Moreover, the applicant was involved in a family dispute matter. It is the contention of the applicant that he has been discriminated by the authorities while imposing punishment and confirming it in appeal. Hence, the present Misc. Applicaiotn.

3. The affidavit in reply is filed on behalf of respondent Nos. 1 to 3 by one Shri Vishwamber Bhimrao Golde, working as Deputy Superintendent of Police (HQ), Special IGP Office, Aurangabad, thereby he denied all the adverse contentions raised in the present Misc. Application and specifically contended that from the initial order of punishment, this proceeding is filed after lapse of 1154 days. The said delay is not explained by the applicant. Therefore, the present Misc. Application is liable to be dismissed.

4. I have heard the arguments advanced by Shri K.G. Salunke, learned Advocate for the applicant on one hand and Smt. M.S. Patni, learned Presenting Officer for the respondents on the other hand.

5. Considering the facts of the present case and the dates involved in it, it is apparent that the delay is of about 2 years, 2 months and 29 days caused in filing the accompanying O.A. as contended by the applicant and the said delay is counted from the date of order in Departmental Appeal, which was issued on 04.01.2019. It is true that immediately after about two months of arising cause of action for filing the O.A. under Section 19 of the Administrative Tribunals Act, 1985, the situation of COVID-19 arose and for about one and half years the functioning of all the institutions was affected. The applicant is facing order of punishment, which is blot on his career.

6. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. No doubt some negligence can be attributed to the applicant in not approaching this Tribunal in time. However, the said delay cannot be said to be intentional. Thereby the applicant had nothing to gain. Refusing to condone delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 500/- on the applicant. Hence, I proceed to pass following order:-

ORDER

The Misc. Application No. 148/2022 is allowed in following terms:-

- (i) The delay of about 2 years, 2 months and 29 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 500/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal by the applicant within a period of one month from the date of this order.
- (ii) 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)

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 863/2022
(Dr. Vinod Gulabrao Jogdand Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **29.9.2022**

ORAL ORDER :

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

2. This is motion moved for speaking to minutes in the order passed in O.A. No. 863/2022 on 28.9.2022. In clause (i) of the operative order returnable date is inadvertently mentioned as "28.9.2022", it should be corrected as "18.11.2022", in clause (vi) of the said order in 3rd line post is inadvertently mentioned as "Associate Professor", it shall be "Assistant Professor" and in clause (vii) of the said order again the date is mentioned as "28.9.2022", it shall be corrected as "18.11.2022".

3. Motion is accordingly disposed of. Aforesaid corrections be carried out in the order dated 28.9.2022 and corrected order be issued to the concerned immediately.

MEMBER (A)

VICE CHAIRMAN

FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 863 OF 2022
(Dr. Vinod Gulabrao Jogdand V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.09.2022

ORAL ORDER :

Heard Shri Dayanand M. Hange, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. The applicant has applied for the post of Assistant Professor in microbiology in pursuance of the advertisement No. 53/2021. The posts are to be filled in various Government Medical Colleges. For the subject of Microbiology the candidate is expected to hold the following educational qualification and the experience : -

*"(II) In case of DNB candidate equated to MD/MS in terms of clause 4A of Schedule-I, in addition to 3 years teaching experience in the subject as Resident/Registrar/ Demonstrator/ Tutor/ or work experience gained during DNB training, **one** year as Senior Resident in the concerned subject in a recognized / permitted medical college.*

3. The name of the applicant has been included in the list of not eligible candidate and the reason assigned is that the applicant is not holding the requisite experience as prescribed in the

advertisement. The specific reason has also been communicated to the present applicant vide communication dated 12.9.2022, annexure 'A-8' with the O.A. We deem it appropriate to reproduce the contents of the said letter, which read thus,

“उपरोक्त विषयावरील संदर्भातील अभिवेदनासंदर्भात आपणास असे कळविण्यात येते की, सहायक प्राध्यापक, औषधशास्त्र, महाराष्ट्र वैद्यकीय शिक्षण व संशोधन सेवा, गट-ब जा.क्र. ५६/२०२१ या पदाकरिता कोलेल्या ऑनलाईन अर्जात आपण सुक्ष्मजीवशास्त्र, सहायक प्राध्यापक असा अनुभवाचा दावा केली आहे. त्यानुसार शासकीय विज्ञान संस्था, औरंगाबाद या संस्थेतील सहायक प्राध्यापक पदाचे अनुभवाचे प्रमाणान्न अपलोड केले आहे. प्रस्तुत पदाच्या जाहिरातीतील अनुभवाच्या तरतूदीनुसार वैद्यकीय महाविद्यालयातील अनुभव असणे आवश्यक आहे. यास्तव शासकीय विज्ञान संस्था, औरंगाबाद या संस्थेतील अनुभव प्रस्तुत पदासाठी ग्राह्य नाही. त्यामुळे आपल्याकडे प्रस्तुत पदासाठी आवश्यक अनुभव नसल्याकारणाने आपण अपात्र आहात.”

4. Learned counsel appearing for the applicant submitted that the subsequently in the year 2022 the criteria has been changed and the experience in the teaching institute like Government Science Institute, Aurangabad has also held as the requisite experience for the post which has been advertised. Learned counsel submits that in fact no such condition was liable to be put for the reason that in the teaching institute the candidates like the applicant earn experience of teaching to the post-graduate students. Learned counsel for the applicant submitted that having regard to change in criteria the respondents be directed to consider the candidature of the present applicant also for the post of Assistant Professor in Microbiology.

5. Ordinarily the candidate is expected to hold the educational qualification, as well as, experience as prescribed in the advertisement. Unless it is noticed that some very unreasonable term has been incorporated or prescribed insofar as aspect of experience is concerned, the Tribunals are not supposed to cause interference in the experience so prescribed as the eligibility criteria for appointment to the subject post. However, it is brought to our notice that the National Medical Commission itself has caused amendment in the regulations of 2019 in the year 2022 and in the amended regulations of 2022 the experience in teaching institutes is also held as valid experience. It is the case of the applicant that he possesses the said experience. The certificate in that regard is placed on record by him. The issue which has been raised by the applicant in the present O.A. require to be adjudicated. As has been submitted by the learned counsel for the applicant interviews for filling the post of Assistant Professor in Microbiology are scheduled on 30.9.2022. If the applicant is not even provisionally permitted to appear for such interview the very purpose of his filing present O.A. will get frustrated. From the record we are convinced that *prima facie* case is made out by the applicant. For adjudication of the issue raised by the applicant, the detailed reply from the respondents will be required. In the circumstances, we deem it appropriate to pass the following order: -

ORDER

(i) Issue notices to the respondents, returnable on ¹⁸⁻¹¹~~28-9-~~ 2022. *

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

(iii) Applicants are authorized and directed to serve on Respondents 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.

(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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

(vi) Respondent No. 2 shall call the present applicant also for interview for the recruitment on the post of ~~Assistant~~ Assistant Associate Professor in Microbiology to be held on 30.9.2022 on the said date or any other date suitable, subject to outcome of the present O.A. *

(vii) S.O. to ¹⁸⁻¹¹⁻28.9.2022.
*

(viii) The learned PO is directed to communicate this order to the M.P.S.C. immediately through possible mode.

(ix) Steno copy & Hamdust allowed for the use of both the sides.

MEMBER (A)

ORAL ORDERS 28.09.2022-HDD

VICE CHAIRMAN

* Corrections conveyed out in clause no. i), vi) and vii) as per order dt. 29/9/22.

PWSudhakar
Registrar
29/9/22