

**ORIGINAL APPLICATION NO.605/2021  
(Vinod Choudhary Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri A.D.Aghav, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the authority which has passed the suspension order is not competent to pass such order, therefore, he has no alternate remedy within departmental proceedings. Hence, he has directly come to the Tribunal.

3. Prima facie, it seems that the O.A. is not maintainable being premature. Matter will be heard on the point of maintainability on the next date.

4. S.O. to 24.11.2021.

**MEMBER (A)**

YUK ORAL ORDERS 13.10.2021

**ORIGINAL APPLICATION NO.628/2021  
(Swati Swami Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri S.S.Dambe learned Advocate holding for Shri S.P.Urgunde, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that this O.A. has been filed for getting inter-district transfer from Tq. Ambajogai Dist. Beed to Latur, whereas the competent authority of Beed District has given NOC for the proposal. However, Latur District which is to receive the applicant by way of inter-district transfer has not accorded its consent by way of NOC. It is the case of the applicant that some Clerk of Latur District office is due for promotion as Awwal Karkoon and the original applicant is already of the rank of Awwal Karkoon. If the employee occupying post of Clerk gets promoted as Awwal Karkoon then the applicant may not get inter-district transfer as there may not be any vacant post left.

3. In view of these facts, learned Advocate for the applicant has prayed for status quo to be maintained on proposed promotion of Clerk in the office of Collector, Latur on the post of Awwal Karkoon. I do not see any merit in the arguments of the learned Advocate for the applicant,

=2=

O.A.NO.628/2021

however, it has been mentioned that there is another O.A. filed by respondent no.4 having O.A.No.390/2021 which is pending before the Tribunal for consideration. It is decided to tag this O.A. with O.A.No.390/2021. Both the O.As. be heard together. Hence, the Registry is directed to place both these cases before this Bench on the next date.

3. S.O. to 27.10.2021.

**MEMBER (A)**

YUK ORAL ORDERS 13.10.2021

**ORIGINAL APPLICATION NO.433/2020  
(Ajay Lahot Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been supplied to the learned P.O.

3. S.O. to 18.11.2021 for filing sur-rejoinder, if necessary.

**MEMBER (A)**

YUK ORAL ORDERS 13.10.2021

**ORIGINAL APPLICATION NO.546/2021  
(Dipak Rohakale Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Arguments of both sides are heard at length. Case is reserved for order.

**MEMBER (A)**

YUK ORAL ORDERS 13.10.2021

**M.A.NO.609/2019 IN O.A.ST.NO.2372/2019  
(Radhabai Kedare Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 18.11.2021.

**MEMBER (A)**

YUK ORAL ORDERS 13.10.2021

**M.A.NO.611/2019 IN O.A.ST.NO.2374/2019  
(Rambhau Nikam Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 16.11.2021.

**MEMBER (A)**

YUK ORAL ORDERS 13.10.2021

**M.A.NO.194/2020 IN O.A.ST.NO.174/2020  
(Ravindra Bibekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri Avinash Khande, learned Advocate for the applicant, Shri M.S.Patni, learned Presenting Officer for the respondent nos.1 to 3 and Shri V.G.Pingle learned Advocate holding for Shri G.N.Patil learned Advocate for respondent no.4.

2. Today, Shri Avinash Khande learned Advocate has appeared for the applicant and filed Vakalatnama on record. It is taken on record.

3. Learned Advocate for the applicant prays for adjournment. Adjournment is granted.

4. S.O. to 18.11.2021.

**MEMBER (A)**

YUK ORAL ORDERS 13.10.2021



**M.A.NO.76/2021 IN O.A.ST.NO.196/2021  
(Shivaji Chintamani Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Arguments of both sides are heard at length in the M.A. M.A. is reserved for order.

**MEMBER (A)**

YUK ORAL ORDERS 13.10.2021

**ORIGINAL APPLICATION NO.265/2017  
(Dr. Suresh Karmunge Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri I.D.Maniyar, learned Advocate for the applicant, Smt. Sanjivani Ghte, learned Presenting Officer for the respondent nos.1 to 3 and Shri P.R.Tandale learned Advocate for respondent no.4.

2. Arguments of the parties are heard finally. The matter was part heard on 04-10-2021. Learned Advocate for the applicant has not been able to respond to paragraph 3 of the order of this Tribunal dated 04-10-2021 whereby the learned P.O. had raised point regarding delay in filing form-5 by the applicant.

3. Learned Advocate for the applicant stated that the applicant could fill form-5 after getting communication from supervisory officer, which he got late. However, he does not have copy of such communication readily available with him and the same has not been filed with the O.A. or during the arguments. He has submitted some citations; (1) judgment in Writ Petition No.5206/2014 dated 29-03/06-04-2016, (2) judgment in Writ Petition No.11324/2015 dated 02-08-2006, and (3) judgment in Writ Petition No.12966/2017 dated 03-04-2018.

=2=

O.A.NO.265/2017

3. Both sides have completed their oral arguments. Learned Advocate for respondent no.4 has already filed written notes of arguments along with citations and a short affidavit also.

4. Learned Advocate for the applicant agrees to submit written notes of arguments on the next date.

5. Learned P.O. states that her affidavit in reply be treated as her written notes of arguments.

6. S.O. to 28-10-2021 for filing written notes of arguments only and matter may be closed for order on the said date.

**MEMBER (A)**

YUK ORAL ORDERS 13.10.2021

**ORIGINAL APPLICATION NO.342 OF 2021  
(Kalpana T. Shelke & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, time is granted for filing counter affidavit to the additional affidavit-in-reply filed by the respondent no.3.

3. S.O. to 26.10.2021. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.209 OF 2004  
(Shaikh Abdul Khaja Miyan Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. We have partly heard the arguments advanced by the learned Advocate for the applicant.

3. The matter is old one. In view of this, it is again made part heard. The parties to place on record the additional pleadings and documents, if necessary, to determine the issue involved effectively by the next date.

4. S.O. to 26.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.58 OF 2020  
(Ritesh R. Kaware & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri R.K. Ashtekar, learned Advocate for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 3 and Shri Avinash S. Deshmukh, learned Advocate for the respondent No.4.

2. In view of observations made by us in farad sheet dated 06.10.2021, the learned Advocate for the applicant sought to produce on record the chart along with compilation of documents.

3. In view of this compilation, in our opinion, short affidavit of applicant is necessary to explain these documents along with compilation.

4. S.O. to 27.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.368 OF 2017  
(Bapu R. Lad Vs. State of Maharashtra & Ors.)**

**WITH**

**ORIGINAL APPLICATION NO.369 OF 2017  
(Rajeshwar G. Jukte Vs. State of Maharashtra & Ors.)**

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

**AND**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri S.A. Deshmukh, learned Advocate for the applicants in both the O.As. and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents in both the O.As.

2. The present O.As. are already part heard.
3. By consent of both the parties, S.O. to 22.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-SAS

**ORIGINAL APPLICATION NO.813 OF 2018  
(Robinson R. Masih Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. The present matter is already part heard.
3. By consent of both the parties, S.O. to 25.11.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-SAS



**ORIGINAL APPLICATION NO.472 OF 2018  
(Kishor G. Lalsare Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. By consent of both the parties, S.O. to 30.11.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-SAS

**ORIGINAL APPLICATION NO.110 OF 2019  
(Ashok M. Randhe Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. By consent of both the parties, S.O. to 26.10.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-SAS

**ORIGINAL APPLICATION NO.717 OF 2019  
(Rajendra A. Shirsath Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri Amit Savale, learned Advocate for the applicant and Shri B.S Deokar, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 24.11.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-SAS

**ORIGINAL APPLICATION NO.444 OF 2019  
(Dnyanoba S. Bilapate Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. By consent of both the parties, S.O. to 24.11.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-SAS

**ORIGINAL APPLICATION NO.54 OF 2020  
(Bharatlal T. Dhupe Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri S. Qadari, learned Advocate holding for Shri Kishor D. Khade, learned Advocate for the applicant and Shri B.S Deokar, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 01.12.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-SAS

**ORIGINAL APPLICATION NO.22 OF 2021  
(Muktyarsing R. Theng Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. By consent of both the parties, S.O. to 29.11.2021 for final hearing.
3. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-SAS

**M.A.NO.505/2019 IN O.A.ST.NO.2039/2019  
(Eteshamuddin Yusufoddin Shaikh Vs. State of  
Maharashtra & Ors.)**

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

**ORAL ORDER :**

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

2. The present matter is closed for order.

**MEMBER (J)**

ORAL ORDERS 13.10.2021-SAS

**ORIGINAL APPLICATION NO.356 OF 2020  
(Kiran B. Kolpe Vs. State of Maharashtra & Ors.)**

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

**ORAL ORDER :**

Heard Shri N.B. Narwade, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant during the course of argument submits that the impugned order of transfer of the applicant dated 11.09.2020 stated to have been passed under Section 22-J(6) of Maharashtra Police Act, 1951.

3. However, there is no such provision in the statute book.

4. Learned Advocate for the applicant wants to raise the said contention in the Original Application and therefore, he seeks leave of this Tribunal.

5. Leave as prayed for is granted.

6. S.O. to 25.11.2021.

**MEMBER (J)**



**ORIGINAL APPLICATION NO.357 OF 2020  
(vinod R. Borge Vs. State of Maharashtra & Ors.)**

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

**ORAL ORDER :**

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

2. Learned Advocate for the applicant during the course of argument submits that the impugned order of transfer of the applicant dated 11.09.2020 stated to have been passed under Section 22-J(6) of Maharashtra Police Act, 1951.

3. However, there is no such provision in the statute book.

4. Learned Advocate for the applicant wants to raise the said contention in the Original Application and therefore, he seeks leave of this Tribunal.

5. Leave as prayed for is granted.

6. S.O. to 25.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.95 OF 2021  
(Nitin S. Shelar Vs. State of Maharashtra & Ors.)**

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

**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 be treated as part heard.
3. S.O. to 26.10.2021.

**MEMBER (J)**

ORAL ORDERS 13.10.2021-SAS

**DATE : 13.10.2021**

**ORIGINAL APPLICATION NO. 633 OF 2021**

**(Sunil H. Nirmal Vs. The State of Maharashtra & Ors.)**

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

1. Shri S.B. Solanke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 18.11.2021. The case be listed for admission hearing on 18.11.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**REGISTRAR**

**ORIGINAL APPLICATION NO. 1027 OF 2019  
(Arjun D. Sonwane Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1, 2, 4 & 5. Shri Ajay D. Pawar, learned Advocate for respondent No. 3, **absent**.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 2 & 5. Time granted as a last chance.

3. S.O. to 15.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 290 OF 2021**  
**(Sayyed Yusuf Syyad Lal and Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted as a last chance.

3. S.O. to 16.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 411 OF 2019  
(Bharat L. Bhillare Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 17.11.2021 for filing rejoinder affidavit, if any.

4. Interim relief granted earlier to continue till next date.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 436 OF 2021  
(Adinath V. Mundhe Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted as a last chance.

3. S.O. to 18.11.2021.

**MEMBER (J)**

**M.A. No. 337/2019 in O.A. St. No. 1116/2019  
(Gopal M. Waghmare Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents in M.A. Time granted.

3. S.O. to 29.10.2021.

**MEMBER (J)**

KPB ORAL ORDERS 13.10.2021



**M.A. No. 85/2021 in O.A. St. No. 348/2021  
(Laxmibai S. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 15.11.2021.

**MEMBER (J)**

KPB ORAL ORDERS 13.10.2021

**M.A. No. 592/2019 in O.A. St. No. 2196/2019  
(Arvind A. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri Aishal Bakal, learned Advocate holding for Shri V.S. Kadam, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 2. Shri G.N. Patil, learned Advocate for respondent No. 3, **absent**.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 & 2 in M.A.. Time granted as a last chance.

3. S.O. to 16.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 592 OF 2021  
(Khandu H. Wane Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**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 learned Advocate for the applicant, S.O. to 29.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 77 OF 2020  
(Mahesh S. Khedkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri B.A. Chavan, learned Advocate holding for Shri C.T. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 29.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 79 OF 2021  
(Anil S. Puranik Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 15.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 443 OF 2021**  
**(Suresh L. Gaikwad and Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Record shows that pleadings are complete. The matter is pertaining to arrears of wages. Hence, the present O.A. is admitted and it be kept for final hearing on 16.11.2021.

**MEMBER (J)**

**M.A. No. 13/2021 in O.A. St. No. 50/2021  
(Dashrath D. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the sides, S.O. to 28.10.2021 for hearing at the stage of admission.

**MEMBER (J)**

KPB ORAL ORDERS 13.10.2021

**M.A. No. 82/2020 in O.A. St. No. 172/2020  
(Arshad Khan Gulab Khan Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 3 in M.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 16.11.2021.

**MEMBER (J)**

KPB ORAL ORDERS 13.10.2021



**ORIGINAL APPLICATION NO. 832 OF 2018**  
**(Shaikh Nasir Sk. Miya Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. The present matter is already part heard.
3. At the request and by consent of both the sides, S.O. to 15.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 427 OF 2019  
(Ranjeet S. Savale (Dhangar) Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the sides, S.O. to 29.10.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 152 OF 2021  
(Vishnu S. Misal Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the sides, S.O. to 16.11.2021 for final hearing.
3. Interim relief granted earlier to continue till next date.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 285 OF 2021**  
**(Hemant S. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Record shows that affidavit in reply on behalf of respondent No. 2 i.e. the Superintendent of Police, Dhule is already filed on record. Record further shows that affidavit in reply is filed by the then sole respondent /present respondent No. 2 on 02.07.2021. Thereafter, the applicant sought amendment in the present Original Application to join the State of Maharashtra as respondent No. 1 and one Shri Ravindra Narsinh Deshmukh as respondent No. 3. Accordingly, the said leave was granted by this Tribunal. Notices were issued to the newly added respondent Nos. 1 & 3 on 30.07.2021 & 09.08.2021 respectively. Thereafter, the respondent Nos. 1 & 3 were served with the notice on 11.08.2021.

3. Therefore, the learned Presenting Officer on 24.08.2021 sought time for filing affidavit in reply on behalf of respondent No. 1. The respondent No. 3 remained absent though duly served. The matter was

//2//

O.A. No. 285/2021

adjourned to 15.09.2021. Thereafter, at the request of respondent No. 1 time was further granted till today i.e. on 13.10.2021.

3. Today, learned Presenting Officer placed on record a copy of communication dated 13.10.2021 received from the Superintendent of Police, Dhule i.e. the respondent No. 2. It is taken on record and marked as document "X" for the purpose of identification. In the said letter, it is stated that the matter can be disposed of by taking into consideration the contentions raised in this letter.

4. Learned Advocate for the applicant, however, submits that the grievance of the applicant is not redressed as sought to be stated in the said communication (documents "X"). Moreover, this communication is not from the respondent No. 1.

5. In view of the same, time is granted as a last chance for filing affidavit in reply on behalf of respondent No. 1.

6. S.O. to 15.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 630 OF 2021**  
**(Babasaheb H. Dahifale Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. The present Original Application is filed by the applicant challenging the communication dated 12.07.2021 (Annexure A-7) thereby intending recovery of excess amount of Rs. 1,52,053/- from the pensionary benefits of the applicant.

3. The applicant retired as Police Sub-Inspector on 31.05.2020. The applicant is getting regular pension.

4. It is contention of the applicant that when he visited the office of respondent No. 3 i.e. the Superintendent of Police, Beed on 07.10.2021, he was served with this communication dated 12.07.2021. According to him, the order of re-fixation of pay calculating excess amount is not served upon the applicant earlier. The applicant belongs to Group-C category employee. The recovery is sought to be made without following the principles of natural justice. In

the circumstances, the learned Advocate for the applicant seeks stay to the recovery relying upon the case law of the Hon'ble Supreme Court in **Civil Appeal No. 11527/2014 arising out of S.L.P. (C) No. 11684/2012 & Ors. (State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.)** reported at **AIR 2015 SC 596.**

5. Learned Presenting Officer opposed the submission advanced on behalf of the applicant and stated that he would seek necessary instructions from the respondents and will file affidavit in reply.

6. After having considered all the facts and circumstances of the case, it is apparent that the applicant is retired as Group-C Government servant. By the impugned communication recovery of an amount of Rs. 1,52,053/- from his pensionary benefits is intended. It is grievance of the applicant that the order of pay fixation is also not served upon the applicant and therefore, the applicant does not have the details.

7. In the case law relied upon by the learned Advocate for the applicant, the Hon'ble Supreme Court

in the case of **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.** (supra) observed as follows :-

*“12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarize the following few situations, wherein recoveries by the employers, would be impermissible in law:*

*(i) Recovery from employees belonging to Class-III and Class-IV service (or Group ‘C’ and Group ‘D’ service).*

*(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*

*(iii) Recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

*(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*



//4//

O.A. No. 630/2021

*(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employees, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."*

8. Considering the above, the case of the applicant would fall within the parameters of para 13(i) & (ii) of the **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.**(supra). Hence this is a fit case to grant interim stay to the execution and implementation of the impugned communication dated 12.07.2021 (Annexure A-7) till filing of the affidavit in reply by the respondents. Ordered accordingly.

9. Issue notice to the respondents, returnable on 22.11.2021.

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

//5//

O.A. No. 630/2021

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 22.11.2021.

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

16. The present matter be placed on separate board.

**MEMBER (J)**

**ORIGINAL APPLICATION NOS. 204, 238 & 239 ALL OF 2019**

**(Dr. Bhagwat S. Khadke & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri M.B. Kolpe, learned Advocate holding for Shri Vivek Deshmukh, learned Advocate for the applicants in all these cases, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 4 in O.A. nos. 204 & 239 both of 2019 and for the respondent nos. 1 to 3 in O.A. No. 238/2019 and Shri S.V. Deshmukh, learned Advocate for respondent nos. 4 & 5 in O.A. No. 238/2019.

2. Learned Advocate for the applicant has filed written notes of arguments in all these matters. He also filed copy of G.R. dated 11.1.2019 issued by the Medical Education & Drugs Department, Government of Maharashtra and copy of order passed by the principal seat of this Tribunal at Mumbai in O.A. No. 242/2009 and the batch dated 2.5.2016.

3. Learned Advocate for respondent nos. 4 & 5 in O.A. No. 238/2019 has also filed copy of order dated 7.4.2017 passed by the Nagpur Bench of this Tribunal in O.A. No. 592/2011 & Another and copy of judgment dated 19.8.2015 delivered by Hon'ble High Court of Judicature at Bombay in writ petition No. 7681/2011 and the batch.

::-2-::

**O.A. NOS. 204, 238 & 239**  
**ALL OF 2019**

4. Arguments of both the sides are finished. These matters are closed for orders.

**MEMBER (A)**

ORAL ORDERS 13.10.2021-ARJ

**ORIGINAL APPLICATION NO. 59/2018  
(Umesh C. Parate Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Arguments of both the sides are over.

3. S.O. to 26.10.2021 for enabling both the sides to submit on record their brief notes of arguments, if they so desire.

**MEMBER (A)**

ORAL ORDERS 13.10.2021-ARJ

**ORIGINAL APPLICATION NO. 116/2018  
(Sanjay M. Deokate Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant seeks time. Time granted.
3. S.O. to 22.10.2021.

**MEMBER (A)**

ORAL ORDERS 13.10.2021-ARJ

**ORIGINAL APPLICATION NO. 629/2019  
(Masarat Begam w/o late Mohammad Mazrul Haqq Vs.  
State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri Vivek G. Pingle, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. Arguments of both the sides are over.

3. S.O. to 26.10.2021 for enabling both the sides to submit on record their brief notes of arguments, if they so desire.

**MEMBER (A)**

ORAL ORDERS 13.10.2021-ARJ

**M.A.NO. 334/2020 IN O.A.NO. 894/2019**  
**(Suman B. Wavdhane Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri K.D. Khade, learned Advocate holding for Shri Gaurav L. Deshpande, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 25.11.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-HDD



**M.A.NO. 222/2019 IN O.A.ST.NO. 851/2019**  
**(Namdeo M. Bawiskar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

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

3. S.O. to 29.11.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-HDD

**M.A.NO. 81/2021 IN O.A.ST.NO. 253/2021**  
**(Sahebrao B. Chavhan Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit in rejoinder.

4. In view of the above, S.O. to 15.11.2021 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 208 OF 2021**  
**(Dnyaneshwar B. Biradar & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri S.B. Solanke, learned Advocate for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer further seeks time for filing affidavit in reply. Learned Advocate for the applicant opposed the request made by the learned P.O. stating that last chance was already granted to file affidavit in reply.

3. Considering the nature of proceeding one more last chance is granted to the respondents to file affidavit in reply.

4. S.O. to 25.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 959 OF 2018**  
**(Madhavi P. Sigedar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri Vivek G. Pingle, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.R. Sirsath, learned Advocate holding for Shri Nitin S. Ingle, learned Advocate for respondent No. 4.

2. In order to comply with the order dated 22.9.2021 passed by this Tribunal, learned Advocate for the applicant filed on record a copy of Non Creamy Layer Certificate dated 03.04.2018 of the applicant along with a copy of Gazete. It is taken on record and marked as document 'X' for the purpose of identification.

3. Learned Advocate for respondent No. 4 seeks time for producing a copy of Non Creamy Layer Certificate of the respondent No. 4. Time granted.

4. S.O. to 29.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 530 OF 2021  
(Priya R. Awhad Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Learned Chief Presenting Officer seeks time for filing affidavit in reply, which he will be receiving by post. Time granted.

3. S.O. to 20.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 848 OF 2019**  
**(Jitendra B. Bagul & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Record shows that the pleadings are complete. The present case is relating to grant of revised pay scale. It is admitted and fixed for final hearing.

3. S.O. to 29.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 305 OF 2021**  
**(Devidas G. Nandgaonkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

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

3. S.O. to 17.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 293 OF 2019**  
**(Babasaheb S. Pagare Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Record shows that pleadings up to rejoinder affidavit are complete. The present case is pertaining to initiation of departmental enquiry. It is admitted and fixed for final hearing.

3. S.O. to 29.11.2021.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 130 OF 2019**  
**(Kamlakar K. Phad Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. The present O.A. is filed by the applicant challenging the communication dated 3.11.2017 issued by respondent No. 1, thereby intending to proceed with the departmental enquiry against the applicant under the charge-sheet issued to him on 19.6.2006 and for further issuance of direction against the respondent Nos. 1 to 3 to regularize the suspension period of the applicant from 1.1.2008 to 3.10.2011 with all the consequential benefits.

3. On instructions, learned Advocate for the applicant submits that during the pendency of the present O.A. the departmental enquiry proceeded and it is completed. In view of the same, the present O.A. becomes infructuous. Hence, the same stands disposed of with no order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 392 OF 2021**  
**(Pravin R. Hivrale & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 28.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-HDD

**C.P.NO. 20/2017 IN O.A.NO. 718/1998**  
(S.S. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)  
**WITH**  
**C.P.NO. 21/2017 IN O.A.NO. 1203/1999**  
(Rajiv K. Bandre & Ors. Vs. State of Maharashtra & Ors.)  
**WITH**  
**C.P.NO. 22/2017 IN O.A.NO. 717/1998**  
(S.R. Sonar through LR Sumati Sonar Vs. State of Maha. & Ors.)  
**WITH**  
**C.P.NO. 25/2017 IN O.A.NO. 525/2002**  
(N.S. Shinde through its S.N. Shinde Vs. State of Maha. & Ors.)

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri M.H. Patil, learned Advocate for the applicants in all these cases and Shri N.U. Yadav, learned Presenting Officer for the respondents in all these cases.

2. Record shows that the present cases are wrongly listed on board today. They are already fixed on 13.12.2021 at request of learned Presenting Officer for compliance of the order in question.

3. In view of above, S.O. to 13.12.2021.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NOS. 424 & 454 BOTH OF 2020**  
**(Anil D. Kondhare & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri S.R. Sirsath, learned Advocate for the applicants in both these cases and Shri S.K. Shirse & Smt. M.S. Patni, learned Presenting Officers for the respective respondents in respective cases.

2. S.O. to 28.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-HDD

**M.A.NO. 332/2021 IN O.A.ST.NO. 1425/2021**

**(Maharashtra Rajya Nagar Parishad, Nagar Panchayat, Karmachari/  
Sanwarg Karmachari Sanghatna Through it's Authorized member  
Shri Haridas S/o. Kishanrao Wagh (Patil) & Ors. Vs. State of  
Maharashtra & Ors.)**

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

**AND**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri R.K. Ashtekar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By this Miscellaneous Application the applicant – association seeks permission of this Tribunal to sue the respondents jointly.

3. The applicant is recognized employees' association of the Government servants of the cadre of Class-III & Class-IV. The Sanghatana has passed the resolution and authorized the applicant to file present O.A. on behalf of Sanghatna. The Original Application has been challenged by the applicant – Sanghatana challenging impugned communication dated 29.9.2021 issued by respondent No. 2 i.e. the Commissioner/Director, Municipal Council Administration Directorate, Warli, Mumbai. It is the contention of the applicant that the members of this association have aggrieved by the said communication and they want to challenge it.

**:: - 2 - :: M.A.NO. 332/2021 IN  
O.A.ST.NO. 1425/2021**

4. Considering the pleadings, it appears that the members of the association have common cause and grievance. In view of the same, this is a fit case to grant permission to the applicant – association to sue the respondents jointly under Rule 4 (5)(b) of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988. M.A. is allowed and applicant – association is permitted to file O.A. on behalf of its members through its authorized member namely Haridas S/o. Kishanrao Wagh (Patil).

5. Accordingly, the present M.A. stands disposed of with no order as to costs.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-HDD

**ORIGINAL APPLICATION ST.NO. 1425 OF 2021**

**(Maharashtra Rajya Nagar Parishad, Nagar Panchayat, Karmachari/  
Sanwarg Karmachari Sanghatna Through it's Authorized member  
Shri Haridas S/o. Kishanrao Wagh (Patil) & Ors. Vs. State of  
Maharashtra & Ors.)**

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

**AND**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri R.K. Ashtekar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 01.12.2021.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure)

Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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 01.12.2021.

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

**MEMBER (A)**

**MEMBER (J)**



**M.A. 302/21 IN M.A. 273/20 IN O.A.ST.684/20**  
**(Vasant B. Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. By this M.A. No. 302/2021 the applicant is seeking amendment in M.A. No. 273/2020, which is taken out for condonation of delay. In M.A. No. 273/2020 the applicant pleaded that there is delay of 390 days in filing accompanying Original Application. It is the contention of the applicant that the said delay of 390 days was wrongly calculated and in fact there is delay of about 6 years, 10 months and 6 days. In view of the same, in our considered opinion, if amendment is allowed no irretrievable prejudice would be caused to the respondents. The proposed amendment would be necessary to determine the controversy between the parties. In view of the same, the M.A. No. 302/2021 is allowed. The applicant to carry out the necessary

**:: - 2 - :: M.A. 302/21 IN M.A. 273/20 IN  
O.A.ST.684/20**

amendment in M.A. No. 273/2020 within a period of two weeks.

3. Accordingly, the present M.A. No. 302/2021 stands disposed of with no order as to costs.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.10.2021-HDD

**M.A. 273/20 IN O.A.ST.684/20**  
**(Vasant B. Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Issue notices to the respondents in M.A. No. 273/2020, returnable on 01.12.2021.

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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 01.12.2021.

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

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 287/2021 IN O.A.ST.NO. 819/2021**  
**(Dr. Sanjay R. Kadam & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate holding for Shri S.B. Bhosale, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION ST.NO. 819 OF 2021**  
**(Dr. Sanjay R. Kadam & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate holding for Shri S.B. Bhosale, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. In the facts and circumstances, the interim relief sought for by the applicant is kept open.

3. Issue notices to the respondents, returnable on 29.11.2021.

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

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

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

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

8. S.O. to 29.11.2021.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 588 OF 2021**  
**(Holambe N. Dagdu & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

Heard Shri C.V. Dharurkar, learned Advocate for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks short time for filing affidavit in reply.

3. The present Original Application is filed by the applicants challenging Rule 10 (2) and Rule 11 of the Maharashtra Staff Nurses Services (Recruitment) Rules, 2021 (Annexure 'A-1', page-31 of the paper book). During the course of the arguments it transpires that the applicants have made application for the post of Staff Nurse pursuant to the advertisement dated 4.8.2021 (Annexure 'A-2', page-39 of paper book). The requisite written examination was scheduled on 24<sup>th</sup> September, 2021, which is now postponed to 24<sup>th</sup> October, 2021. Considering that we had expressed urgency of the matter and, therefore, this matter was expedited. However, no affidavit in reply is forthcoming. In such circumstances, learned Advocate for the applicant seeks interim relief in



modified manner of withholding of result of such examination to be held on 24<sup>th</sup> October, 2021. As the affidavit in reply is not forthcoming expeditiously in our opinion it would be just and proper to pass such interim relief till affidavit in reply is filed by the respondents. It is accordingly ordered.

4. S.O. to 25.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 375 OF 2020**  
**(Amol M. Naikwade Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Record shows that affidavit in reply is filed on behalf of respondent No. 4 only.

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

4. S.O. to 23.11.2021. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 376 OF 2020**  
**(Govind K. Surnar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Record shows that affidavit in reply is filed on behalf of respondent No. 4 only.

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

4. S.O. to 23.11.2021. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 418 OF 2020**  
**(Popat K. Gonde & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 4. Time granted.

3. S.O. to 23.11.2021. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 428 OF 2020**  
**(Bandu S. Bontalwar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 to 3.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 4. Time granted.

4. S.O. to 23.11.2021. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 434 OF 2020**  
**(Mahesh D. Desai Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.10.2021**

**ORAL ORDER :**

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

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 to 3.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 4. Time granted.

4. S.O. to 23.11.2021. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**Date : 13.10.2021**

**O.A. 635/2021**

**(Badrinath B. Nimbalkar V/s State of Maharashtra & Ors.)**

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

1. Shri Ashish B. Rajkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 22.11.2021. The case be listed for admission hearing on 22.11.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**REGISTRAR**

