

ORIGINAL APPLICATION NO. 937 OF 2024
(Kalyani Sunil Bhopale Vs. The State of Maharashtra & Ors.)

CORAM : **Shri Vinay Kargaonkar, Member (A)**
(This matter is placed before Single Bench
due to non-availability of Division Bench.)

DATE : **27.08.2024**

ORAL ORDER :

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

2. The applicant applied for the post of Police Constable in response to the advertisement issued by Respondent No. 4 on March 8, 2024. She belongs to the OBC (Female) category, for which 25 seats were reserved. In the selection test, the applicant scored 128 out of 200 marks. However, despite her score, she was not recommended for any of the seats reserved for the OBC (Female) category, while candidate who scored 115 marks was recommended. Under these circumstances, the applicant has approached this Tribunal claiming the following interim relief:-

“E) Request to grant the interim relief of stay to the execution of the impugned provisional selection list and waiting list for the post of Police Constable year 2022-23 passed by respondent no. 4 i.e. Deputy Commissioner of Police (HQ), Chhatrapati Sambhajnagar till final disposal of this Original Application.”

3. Learned counsel for the applicant submitted that it was not mandatory on the part of Female candidates to mention that she is claiming reservation meant for Female. Prior to 8.4.2024 a condition was there to mention Female reservation certificate number. However, after 8.4.2024 that condition was removed. In Police Recruitment of other Police units such condition is not there.

4. I have considered the submissions advanced by the learned counsel for the applicant, as well as, learned Presenting Officer for the State authorities. I have also gone through the documents placed on record by the parties.

5. From the documents on record, it is revealed that, the applicant has secured more marks than the candidates recommended against the seat reserved for OBC (Female) candidates. Thus, the applicant

has made out a prima facie case for protecting her interest till filing of the affidavit in reply by the respondents. In the circumstances, I am inclined to pass the following order:-

ORDER

- (i) Issue notice to respondents, returnable on 7.10.2024. **Till then the respondents shall keep one post vacant reserved for OBC (Female) candidate.**
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- (iv) This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- (v) The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- (vi) S.O. to 7.10.2024.
- (vii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

ORIGINAL APPLICATION NO. 388 OF 2024
(Avinash Shriram Munde Vs. The State of Maharashtra & Ors.)

CORAM : **Shri Vinay Kargaonkar, Member (A)**
(This matter is placed before Single Bench
due to non-availability of Division Bench.)

DATE : **27.08.2024**

ORAL ORDER :

Shri A.B. Rajkar, learned counsel holding for Shri R.A. Joshi, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 04.09.2024.

MEMBER (A)

ORIGINAL APPLICATION NO. 182 OF 2024
(Ganesh Vijay Pohokar Vs. The State of Maharashtra & Ors.)

CORAM : **Shri Vinay Kargaonkar, Member (A)**
(This matter is placed before Single Bench
due to non-availability of Division Bench.)

DATE : **27.08.2024**

ORAL ORDER :

Shri Vishal S. Kadam, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The present case is not on board. It is taken on board at the request of learned counsel for the applicant.

3. Learned Presenting Officer shall get address of the concerned candidates and provide it to the applicant within two weeks from the date of this order.

4. At the request of learned counsel for the applicant time is extended by one week to add necessary parties.

5. S.O. to 18.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 903 OF 2024
(Balasaheb Yemaji Dhanve Vs. The State of Maharashtra & Ors.)

CORAM : **Shri Vinay Kargaonkar, Member (A)**
(This matter is placed before Single Bench
due to non-availability of Division Bench.)

DATE : **27.08.2024**

ORAL ORDER :

Smt. V.P. Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. The present case is not on board. It is taken on board at the request of learned counsel for the applicant.

3. Learned counsel sought extension of time to amend the O.A. Leave granted as prayed for. The learned counsel undertakes to amend the OA within a week.

4. S.O. to 19.09.2024.

MEMBER (A)

ORIGINAL APPLICATION NO. 434 OF 2024
(Anil Panditrao Ghodke Vs. The State of Maharashtra & Ors.)

CORAM : **Shri Vinay Kargaonkar, Member (A)**
(This matter is placed before Single Bench
due to non-availability of Division Bench.)

DATE : **27.08.2024**

ORAL ORDER :

None present for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 and the same is taken on record.

3. S.O. to 15.10.2024.

MEMBER (A)

M.A.NO. 176/2021 IN O.A.ST.NO. 498/2021
(Pruthviraj Shankarao Patil Vs. The State of Maharashtra & Ors.)

CORAM : **Shri Vinay Kargaonkar, Member (A)**
(This matter is placed before Single Bench
due to non-availability of Division Bench.)

DATE : **27.08.2024**

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 1 in M.A. No. 176/2021 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 16.10.2024.

MEMBER (A)

ORAL ORDER 27.08.2024-HDD

ORIGINAL APPLICATION NO. 753 OF 2024
(Ramdas Santaram Gaikwad Vs. The State of Maharashtra & Ors.)

CORAM : **Shri Vinay Kargaonkar, Member (A)**
(This matter is placed before Single Bench
due to non-availability of Division Bench.)

DATE : **27.08.2024**

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply. The request is opposed by the learned counsel for the applicant. However, in the interest of justice time till 12.09.2024 is granted by way of last chance.

MEMBER (A)

ORIGINAL APPLICATION NO. 556 OF 2024
(Dr. Sachin B. Gumade & 03 Ors. Vs. The State of Maharashtra & Ors.)

CORAM : **Shri Vinay Kargaonkar, Member (A)**
(This matter is placed before Single Bench
due to non-availability of Division Bench.)

DATE : **27.08.2024**

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 06.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 151 OF 2024
(Dipak Sudam Rathod Vs. The State of Maharashtra & Ors.)

CORAM : **Shri Vinay Kargaonkar, Member (A)**
(This matter is placed before Single Bench
due to non-availability of Division Bench.)

DATE : **27.08.2024**

ORAL ORDER :

Shri A.R. Borulkar, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. S.O. to 30.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

T.A.NO. 01/2024 (W.P.NO. 15796/2023)
(Bhatu Ramchandra Nikumbhe Vs. The State of Maharashtra & Ors.)

CORAM : **Shri Vinay Kargaonkar, Member (A)**
(This matter is placed before Single Bench
due to non-availability of Division Bench.)

DATE : **27.08.2024**

ORAL ORDER :

Shri A.B. Rajkar, learned counsel holding for Shri M.K. Bhosale, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORAL ORDER 27.08.2024-HDD

ORIGINAL APPLICATION NO. 1091 OF 2023

(Bharti Dinkar Sarwade @ Bharti Ganesh Koshti Vs. The State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

(This matter is placed before Single Bench due to non-availability of Division Bench.)

DATE : 27.08.2024

ORAL ORDER :

Shri L.V. Sangit, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 30.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 685 OF 2019
(Shivaji Rajaram Thakare Vs. The State of Maharashtra & Ors.)

CORAM : **Shri Vinay Kargaonkar, Member (A)**
(This matter is placed before Single Bench
due to non-availability of Division Bench.)

DATE : **27.08.2024**

ORAL ORDER :

Shri D.S. Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 262 OF 2023
(Bharat A. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is granted, no affidavit in reply has been filed.

3. List the matter for admission hearing on 20.09.2024 with liberty to the other side to file affidavit in reply if any till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 445 OF 2024

(Savita M. Jadhav @ Sarita R. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri K.B. Bhise, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Kiran Rathod, learned counsel for respondent No. 4, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 2 and 3. Same is taken on record and copy thereof is given to other side. Learned P.O. submits that respondent No. 1 is adopting the affidavit in reply filed on behalf of respondent Nos. 2 and 3.

3. Learned counsel for respondent No. 4 also submits affidavit in reply. Same is taken on record and copy thereof is given to other side.

4. At the request of learned counsel for the applicant, S.O. to 13.09.2024 for filing rejoinder affidavit, if any. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 903 OF 2023
(Veena A. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri M.L. Wankhade, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 20.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 719 OF 2024
(Sohail Noor Mohammad Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Heard Shri V.V. Kabade, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on oral instructions from the applicant seeks leave to withdraw the present Original Application.

3. Leave granted. The Original Application is disposed of as withdrawn. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 782 OF 2024

(Mahadeo M. Maske Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Heard Shri Joslyn Menezes, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Leave to add Superintendent of Police, Gadchiroli as party respondent to the O.A.

3. Issue notice to newly added respondent, returnable on 13.09.2024.

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

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

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

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O.A. No. 782/2024

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. Learned counsel for the applicant submits that the other respondents have been duly served and the service affidavit will be filed within a week.

9. Learned P.O. seeks time to file affidavit in reply on behalf of other respondents. Time granted.

10. S.O. to 13.09.2024.

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

MEMBER (J)

KPB ORAL ORDER 27.08.2024

ORIGINAL APPLICATION NO. 345 OF 2023
(Uttam Gangadhar Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Heard Shri A.B. Rajkar, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3.

2. Learned counsel for the applicant on instructions submits that during pendency of the present Original Application all the retiral benefits have been paid to the applicant. Thus the applicant does not want to proceed with the present Original Application.

3. Learned counsel appearing for respondent Nos. 2 and 3 submits that all the retiral benefits have been paid to the applicant during pendency of the present Original Application and nothing survives for further consideration in the same.

4. In view of above, the Original Application is disposed of as infructuous. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NOS. 627 & 629 BOTH OF 2024
(Suhas A. Sable & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 27.08.2024

ORAL ORDER :

Shri H.S. Bali, learned counsel for the applicants in both the O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. Learned Presenting Officer on instruction submits that the matter about time bound promotion / ACPS regarding the applicants in both the O.As. is under consideration and the same will be decided favorably with a short time.

3. S.O. to 13.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 754 OF 2024
(Sangita V. Parate Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri Vishnu Dhoble, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 03.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 282 OF 2024
(Manjusha K. Babhale Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri P.B. Salunke, learned counsel holding for Shri V.G. Salgare, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, Shri A.D. Gadekar, learned counsel for respondent No. 5 and Shri S.N. Janakwade, learned counsel for respondent No. 6, are present.

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

3. S.O. to 09.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 896 OF 2023
(Gopinath N. Gunjal Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri M.S. Mahajan, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for respondent Nos. 2 & 3, are present.

2. Learned counsel for the applicant submits that the present matter is covered and the same may be placed before the ensuing Lok Adalat. Learned counsel submits that the applicant has already submitted consent form.

3. Learned Presenting Officer submits that if it is covered matter, then it may be placed before the ensuing Lok Adalat.

4. In view of above, office is directed to list this matter in the ensuing Lok Adalat.

MEMBER (J)

ORIGINAL APPLICATION NO. 954 OF 2023
(Swarupchand R. Barwal Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 15.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 27.08.2024

M.A. No. 06/2024 in O.A. St. No. 3133/2023
(Girju D. Jagtap Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri Azizoddin R. Syed, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file rejoinder affidavit, since affidavit in reply filed in M.A. to some extent is on merits of the O.A. also. Time granted.

3. S.O. to 12.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 27.08.2024

M.A. No. 19/2024 in O.A. St. No. 95/2024
(Ravindra P. Garbade Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. List the matter for hearing on 26.10.2024.

MEMBER (J)

KPB ORAL ORDER 27.08.2024

ORIGINAL APPLICATION NO. 844 OF 2024
(Dnyaneshwar Guruling Satpute Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. The office has raised an objection that the applicant has not filed departmental appeal before the higher authority under Rule 17(i) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

3. Learned counsel for the applicant has vehemently submitted that the applicant is seeking only reinstatement by revoking his suspension in view of the ratio laid down by the Hon'ble Apex Court in a case of **Ajay Kumar Chaoudhary Vs. Union of India and Ors.**, reported in **AIR 2015 SC 2389**. However, in the departmental appeal, the said issue can be considered since the applicant has not served with the charge sheet of Departmental Enquiry within 90 days.

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O.A. No. 844/2024

4. In view of above, the applicant is directed to file departmental appeal before the concerned authority and in case, any adverse order is passed in the appeal, the applicant would be at liberty to approach this Tribunal again. If any delay is occurred in filing of the departmental appeal, if the applicant approaches the departmental appellate authority within a period of one week from the date of this order, the time spent for pursuing the present Original Application shall be excluded and the authority, who can entertain the departmental appeal, shall proceed with the appeal.

5. In view of above, the Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 944 OF 2024
(Abhishekh A. Pardeshi Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Though the office has raised an objection that the departmental appeal is not preferred by the applicant, however, learned counsel for the applicant though argued the matter at length, seeking time for arguing more. Time granted.

3. S.O. to 28.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 277 OF 2017
(Shaikh Mehboob Abdul Kareem Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri Sachin Tambe, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. S.O. to 07.10.2024 for citations.

MEMBER (J)

KPB ORAL ORDER 27.08.2024

ORIGINAL APPLICATION NO. 626 OF 2018
(Dilip Shankar Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel holding for Shri S.N. Suryawanshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. In compliance with the order dated 29.07.2024, learned Presenting Office submits a copy of communication dated 26.08.2024 received from the concerned department. Same is taken on record and marked as document 'X' for identification. On perusal of the same, it appears that at the relevant time the applicant got a title of 300 days Earned Leave and 500 days Commuted Leave on medical ground.

3. The present matter is closed for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 727 OF 2022
(Laxman N. Mahure Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri P.H. Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file Misc. Application seeking amendment in the O.A. so also in the prayer clause. Time granted.

3. S.O. to 10.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 656 OF 2018
(Dr. Sunil D. Dhumal Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Ms. Preeti Wankhade, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.09.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 27.08.2024

ORIGINAL APPLICATION NO. 179 OF 2022
(Raju J. Somvanshi Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri P.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant written notes of arguments. Same is taken on record and copy thereof is given to learned P.O. today itself.

3. Learned Presenting Officer seeks time to go through the said written notes of arguments and if necessary file his own written notes of arguments or make oral submissions in the alternate.

4. S.O. to 09.09.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 397 OF 2024
(Dattatry M. More Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri P.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 09.09.2024 for hearing.

MEMBER (J)

M.A. No. 112/2024 in O.A. St. No. 571/2024
(Balasaheb L. Chavan & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, time is granted for filing synopsis of events to explain the delay caused in filing the accompanying Original Application.

3. S.O. to 10.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 27.08.2024

O.A. Nos. 189, 214, 336, 365, 222 & 223 all of 2021

(Sakharam C. Kashid & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Heard Shri Avinash Khedkar, learned counsel for the applicants in all these O.As., Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As. and Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for respondent Nos. 2 & 3 in all these O.As.

2. The present matters are not on board. At the request of learned counsel for the applicant the same are taken on board.

3. Learned counsel for the applicants submits that in all these matters, the common question is about the recovery from the Class-III employees after their retirement. Learned counsel submits that the case of the applicants is fully covered by the ratio laid down by the Hon'ble Apex Court in a case of **State of Punjab and Others Vs. Rafiq Masih (White Washer) etc., (2015) 4 Supreme Court Cases 334.**

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Learned counsel submits that the applicants are willing to place these matters before the ensuing Lok Adalat. Learned counsel submits that consent to that effect will be submitted in the office today itself.

4. Learned P.O. submits that if it is covered matters, then the same may be kept in the ensuing Lok Adalat.

5. In view of above, the office is directed to list these matters for settlement before the ensuing Lok Adalat.

MEMBER (J)

M.A. No. 355/2024 in O.A. No. 363/2022
(Ranjit P. Ratnaparkhe Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that during pendency of the Original Application No. 363/2022, in the pending appeal, the respondent No. 1 has passed order on 22.03.2024. Learned counsel submits that it is therefore necessary to challenge the said order passed in the appeal.

3. Learned Presenting Officer submits that the appropriate order may be passed.

4. In view of above submissions, since the order pertaining to the issue raised in the O.A. passed in the departmental appeal on 22.03.2024 and since the said order is adverse, it is necessary to challenge the said order in the O.A. itself.

5. In view of the same and for the reasons stated in the application, the M.A. No. 355/2024 is hereby

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allowed. The applicant is permitted to carry out amendment in the O.A. as per para Nos. 3 and 4 of the present M.A. The applicant shall carry out necessary amendment in the O.A. within a period of two weeks. The applicant shall produce amended copy of O.A. on record and also to serve the same on the other side.

6. The Misc. Application is accordingly disposed of. No order as to costs.

7. The O.A. to come up for hearing on 12.09.2023.

MEMBER (J)

ORIGINAL APPLICATION NO. 174 OF 2017
(Dr. Madhav F. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that along with short affidavit as per the order dated 03.07.2024 passed by this Tribunal, certain annexures are submitted. Learned counsel submits that in para No. 4 of the said short affidavit in reply, it has been contended that after the retirement of the applicant in the year 2015 arrears as per the revised pay fixation due to sanction of first benefit of Assured Progression Scheme vide order dated 20.08.2018 were paid to the applicant, but as pay of dated 01.01.2006 changes has to be get verified by the Pay Verification Unit, Aurangabad and it is not yet done. After verification of the Pay Verification Unit, if needed pay will be get revised and accordingly the benefit of pay will be given to the

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O.A. No. 174/2017

applicant. Learned counsel submits that in the backdrop of these strange contentions raised in the short affidavit in reply, it is necessary to look into the original or duplicate service book of the applicant and the respondents may be directed accordingly.

3. Learned Presenting Officer submits that extract of entries in the service record are annexed to the short affidavit in reply and there is no difficulty for producing the original or duplicate service book of applicant before this Tribunal.

4. In view of above, learned Presenting Officer is directed to place before this Tribunal original or duplicate service book of the applicant on the next date of hearing.

5. S.O. to 10.09.2024 for final hearing.

MEMBER (J)

M.A. No. 472/2023 in O.A. St. No. 1915/2023
(Dr. Jyoti Sudhir Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

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

2. There is a delay of 08 years caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that husband of the applicant was initially appointed by order dated 16.08.1995 on the post of Medical Officer on temporary /ad-hoc basis for four months period by the Joint Director, Health Services, Mumbai. On 24.08.1995, the husband of applicant had joined on the said post. On 24.04.1996, the respondent No. 1 had issued appointment order, thereby husband of the applicant was appointed from 24.08.1995 till 23.08.1996 for one year period on the post of Medical Officer, Maharashtra Medical and Health Services, Class-2. However, on 24.08.1996 and 25.08.1996, the technical breaks

//2// M.A. No. 472/2023 in
O.A. St. No. 1915/2023

were given to husband of the applicant in the service. The husband of the applicant was again appointed on the post of Medical Officer for one year period from 26.08.1996 to 25.08.1996 on temporary basis as per the approval of the respondent No. 1.

4. Learned counsel for the applicant submits that however, as recommended by MPSC the respondent No. 1 by order dated 21.03.1998 has appointed the husband of the applicant by way of nomination on regular basis on the post of Medical Officer, Maharashtra Medical and Health Services, Group-A for two years' probation period. In the year 2013 itself, the respondent No. 6 had submitted the proposal dated 28.03.2013/4.4.2013 to respondent No. 4 for condonation of break in service. However, unfortunately, husband of the applicant died on 27.11.2014 while working on the post of Medical Officer in the office of respondent No. 6.

5. Learned counsel for the applicant submits that right from that date the applicant has continuously approached the authorities for condonation of technical breaks and even the respondent No. 4 has

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O.A. St. No. 1915/2023

forwarded proposal on 11.06.2015 to respondent No. 5 i.e. the Dy. Director, Health Services, Latur Circle, Latur for enabling him to submit the proposal to the higher authority for condonation of technical breaks. Learned counsel submits that this was continuously going on. Though the respondent No. 7 has sanctioned family pension to the applicant by PPO dated 08.06.2017 and accordingly granted family pension and other benefits, however, service rendered by husband of the applicant from 21.03.1998 to 27.11.2014 is only considered for pension purposes. As a result therefore, the applicant has not received gratuity amount.

6. Learned counsel for the applicant submits that on 11.03.2019, 30.04.2019 and 27.05.2019 respectively, the applicant has submitted detailed applications / representations for condonation of technical breaks of two days and to grant her other benefits. However, those applications / representations yet not decided by the respondent authorities. Learned counsel submits that in the year 2019, the applicant has approached the Lok-Ayukta, Maharashtra State and even though the

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O.A. St. No. 1915/2023

Lok-Ayukta has given certain directions, only there was internal communications regarding the same between the respondents and no specific order has been passed. Learned counsel submits that it is continuing wrong since no effective order has been passed. Learned counsel submits that from the date of death of husband of the applicant there is inordinate delay of 08 years in approaching this Tribunal. However, the same is not intentional or deliberate one. The applicant was all the while waiting for the decision in respect of continuous internal communication between the respondents. Even though the applicant has submitted various applications / representations, no order has been passed in connection with the same. Learned counsel thus submits that the delay may be condoned.

7. Learned Presenting Officer has strongly resisted the application on the ground that husband of the applicant died way back in the year 2014 and even though certain pensionary benefits such as family pension etc. were released in the year 2017, however, it was clear that those technical breaks in

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O.A. St. No. 1915/2023

service of husband of the applicant were not condoned and earlier services of husband of the applicant from the date of his initial date of appointment were not considered. Thus in the year 2017 at the most the applicant could have approached this Tribunal for redressal of her grievance. However, there is an inordinate delay caused in filing the accompanying Original Application, for which no satisfactory explanation has been tendered by the applicant. Learned P.O. submits that there is no substance in the present Misc. Application seeking condonation of delay and the same is liable to be dismissed.

8. Though there is an inordinate delay caused in approaching this Tribunal, which appears to be not intentional or deliberate one and there is no inaction on part of the applicant. It appears that time and again the applicant has approached the respondent authorities by filing applications / representations and because of continuous internal communications between the respondents, the applicant was hopeful that her grievance will be redressed at their level itself. Even, the applicant approached to the Lok

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O.A. St. No. 1915/2023

Ayukta, State of Maharashtra and the Lok Ayukta has also issued certain directives, for which there was internal submission of proposal in so far, but no effective decision has been taken. Consequently, the issue about technical breaks and the earlier service period is yet not substantially decided by the department. I am thus agree with the submissions made on behalf of the applicant that there is continuous cause. In view of the same, I am inclined to condone the delay caused in filing the accompanying Original Application, subject to payment of some costs by the applicant. Hence, the following order :-

ORDER

- (i) The Misc. Application No. 472/2023 is hereby allowed.
- (ii) The delay of 08 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. 1000/- (One Thousand Only) to be paid by the applicant. The amount of costs shall be paid to

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O.A. St. No. 1915/2023

the M.A.T. Bar Association within a period of one month from the date of this order.

- (iii) 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.
- (iv) The M.A. accordingly disposed of.

MEMBER (J)

O.A. St. No. 1915/2024

(Dr. Jyoti Sudhir Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

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

2. After registration, issue notices to respondents, returnable on 11.11.2024.

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

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

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

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 11.11.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 993 OF 2019
(Dileep R. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. Learned counsel for the applicant during course of arguments has pointed out Annexure 'A-8' collectively, page Nos. 59 to 61. On perusal of the same it appears from the certificate issued by the Branch Officer, Sangamner Irrigation Branch No.9 and the copy of work chart prepared by the Sub Divisional Officer, Sangamner Irrigation Sub-Division, Sangamner (Ghulewadi) dated 22.12.2000, that the applicant was working on the higher post.

3. Learned P.O. is directed to take specific instructions in respect of these two documents.

4. S.O. to 13.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 994 OF 2019
(Dileep K. Thorat Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2024

ORAL ORDER :

Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri Ajinkya S. Reddy, learned counsel for respondent Nos. 2 & 3, are present.

2. Learned counsel for the applicant during course of arguments has pointed out Annexure 'A-8' collectively, page Nos. 59 & 60. On perusal of the same it appears from the chart prepared by the Sub Divisional Engineer, Sangamner Irrigation Sub-Division, Sangamner (Ghulewadi) at page No. 60 that the applicant was working on the higher post.

3. Learned P.O. is directed to take specific instruction in respect of this document.

4. S.O. to 13.09.2024 for hearing.

MEMBER (J)