

M.A.NO.281/2020 IN O.A.NO.401/2020
(Kishor Kadam Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

DATE : 14.12.2020

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for the respondents and Shri V.B.Wagh learned Advocate holding for Shri V.D.Salunke learned Advocate for respondent no.4.

2. Learned CPO submitted that he will call the entire proceedings and record of the Civil Services Board and matter be taken up on board on 16-12-2020.

3. S.O. to 16-12-2020.

MEMBER (J)

M.A.NO.300/2020 IN O.A.NO.406/2020
(Anil J. Gavit Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

DATE : 14.12.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant, Shri M.P.Gude learned Presenting Officer for the respondents and Shri A.S.Deshmukh learned Advocate for respondent no.4.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 3. Learned Advocate for respondent no.4 also files affidavit in reply. Those are taken on record. Copies are served on the other side.

3. S.O. to 16-12-2020.

MEMBER (J)

ORIGINAL APPLICATION NO.516/2020
(Ankush Hiwale Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

DATE : 14.12.2020

ORAL ORDER :

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

2. Learned P.O. has filed the letter written by the applicant on 3rd November, 2020 and in this letter it is specifically mentioned that the applicant was handing over the charge of his post. In view of this, it is not suitable to grant any interim relief. Respondents are directed to file their reply within 4 weeks. Liberty is given to the applicant to file representation, if any.

3. Issue notices to the respondents, returnable on 11.01.2021.

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

=2=

O.A.NO.516/20

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 11.01.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO.531/2020
(Manik Chavan Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

DATE : 14.12.2020

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate for the applicants and Shri I.S.Thorat learned Presenting Officer for the respondents.

2. The Deputy Conservator of Forests (East Forest Division) Nashik is directed to forward the representation of the applicant dated 10-08-1988 to the respondent no.1.

3. The respondent no.1 is directed to decide the representation made by the applicant on 10-08-1988 for correction of his date of birth within 30 days of receiving representation from Deputy Conservator of Forests.

4. Issue notices to the respondents, returnable on 13.01.2021.

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

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case

=2=

O.A.NO.531/2020

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

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

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

9. S.O. to 13.01.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO.542/2020
(Rajaram Shendge Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

DATE : 14.12.2020

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate for the applicants and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. It is submitted that the applicant was on COVID leave and he resumed duty on 10-10-2020 at 8 a.m. It is submitted that one Police Squad was established to control the illegal activities. The applicant was not included in that squad. It is submitted that one FIR was registered in Police Station, Ahmednagar Camp on 27th October, 2020 and allegations were made that the members of the squad committed certain illegalities while exercising their powers as Police Officers being members of a Special Squad. According to the applicant, his name was not in FIR and also in the press note which was issued.

3. It is submission of the applicant that on 28th October, 2020, respondents issued the impugned order of suspension and suspended the applicant. It is apparently illegal, and therefore, the applicant is seeking interim relief.

4. Learned P.O. submitted that it is necessary to seek instructions from the respondents as interim relief sought in the O.A. is in the nature of final relief. Therefore, it is suitable to hear the respondents before granting any interim relief.

=2=

O.A.No.542/2020

5. Issue notices to the respondents, returnable on 07.01.2021.

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

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

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

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

10. S.O. to 07.01.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO.592/2019
(Dr. Veena Garje Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

DATE : 14.12.2020

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate for the applicants and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents. Shri P.S. Shendurnikar learned Advocate for respondent no.4 is **absent.**

2. S.O. to 07-01-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.285/2020
(Dr Veena Garje Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

DATE : 14.12.2020

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate for the applicants and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Respondents are directed to file their affidavit in reply within 3 weeks, positively. On failure of the respondents to file reply within the stipulated period, the original application will be finally heard.

3. S.O. to 07-01-2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 137/2020
(Shri Lalit G. Pandule Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)
DATE : 14.12.2020

ORAL ORDER :

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

2. The Respondent Nos. 1 to 3 have filed their affidavit-in-reply.
3. The Original Application is admitted for final hearing on 11.01.2021.

MEMBER (J)

SAS ORAL ORDERS 14.12.2020

ORIGINAL APPLICATION NO. 189/2020
(Shri Sanjeet G. Vispute & Ors. Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)
DATE : 14.12.2020

ORAL ORDER :

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

2. The Respondents have filed their affidavit-in-reply.
3. The Original Application is admitted for final hearing. The impugned future recovery is stayed till further order and the matter be taken up for final hearing on 12.01.2021.

MEMBER (J)

SAS ORAL ORDERS 14.12.2020

ORIGINAL APPLICATION NO.258/2020
(Shri Atul P. Bhange Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)
DATE : 14.12.2020

ORAL ORDER :

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

2. The Respondents have filed their affidavit-in-reply.
3. The Original Application is admitted for final hearing in due course.

MEMBER (J)

SAS ORAL ORDERS 14.12.2020

ORIGINAL APPLICATION NO.367/2020
(Shri Manoj B. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)
DATE : 14.12.2020

ORAL ORDER :

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

2. The Respondents is directed to clarify whether he has complied the order dated 30.07.2020 issued by the Deputy Commissioner (Revenue), Nashik Revenue Division and report the compliance till 16.12.2020.

3. Steno copy allowed.

MEMBER (J)

SAS ORAL ORDERS 14.12.2020

ORIGINAL APPLICATION ST.NO.1360/2020
(Shri Vyankat N. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)
DATE : 14.12.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 15.01.2021.
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.

::-2-::

O.A.St.1360/2020

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

7. S.O. to 15.01.2021.

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

MEMBER (J)

SAS ORAL ORDERS 14.12.2020

M.A.NO.319/2020 IN O.A.ST.NO.1360/2020
(Shri Vyankat N. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)
DATE : 14.12.2020

ORAL ORDER :

Heard Shri Mahesh B. Bharaswadkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief 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 (J)

ORIGINAL APPLICATION NO.330/2020
(Shri Dilip M. Tribhuwan & Ors. Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

DATE : 14.12.2020

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondents. None for the Respondent Nos.4 to 6, 10, 14 & 15.

2. Learned P.O. requested one week's time for filing affidavit-in-rely and also made statement that the decision is not taken to constitute the D.P.C.

3. In view of this, the matter be taken up on 04.01.2021. In the event, if the decision is taken by the authority to constitute the D.P.C. for commencing the promotion process then advance intimation be given to the Applicant.

4. S.O. to 04.01.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.914/2019
(Dr. Virendra G. Sonkusale Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

DATE : 14.12.2020

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos.1 & 2 and Shri Shrikrishna Chaudhari, the learned Advocate holding for Smt. Vaishali S. Chaudhari, learned Advocate for the Respondent Nos.3 & 4.

2. Learned Advocate for the Applicant submitted that the Applicant is now requesting for posting in Nagpur District.

3. I have perused Annexure 'A-4'. Only three options were given by the Applicant. As per the G.R., it was necessary for the Applicant to give at least ten options.

4. In view of this matter, liberty is given to the Applicant to make fresh representation to the Respondent No.1 in terms of Government circular dated 11.07.2000 and 06.08.2002.

5. The Respondent No.1 shall decide the representation within a period of three months from the date of its receipt.

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

MEMBER (J)

C.P. NO. 11/2020 IN O.A. 822/2019
AND
C.P. NO. 12/2020 IN O.A. 823/2019
AND
C.P. NO. 13/2020 IN O.A. 824/2019
AND
C.P. NO. 14/2020 IN O.A. 825/2019
AND
C.P. NO. 15/2020 IN O.A. 826/2019

CORAM : A.D. KARANJKAR, MEMBER (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 14.12.2020

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in respective Contempt Petitions.

2. Learned Advocate for the applicants has submitted that the present Contempt Petitions are pertaining to the orders passed by the Principal Seat of this Tribunal at Mumbai in respective O.As.

3. In the circumstances, liberty is given to the applicants to withdraw the present Contempt Petitions from this Bench and file the same before the principal seat of this Tribunal at Mumbai.

::-2-::

4. The record and proceedings of the present Contempt Petitions be returned back to the learned Advocate for the applicants for presenting the same before the principal seat of this Tribunal at Mumbai.

MEMBER (J)

ARJ ORAL ORDERS 14.12.2020

ORIGINAL APPLICATION NO. 402/2020
(Surendra J. Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)
DATE : 14.12.2020

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. It is submitted by the learned Advocate for the applicant that the applicant is intending to withdraw the present Original Application.

3. In the circumstances, the present Original Application stands disposed of as withdrawn. There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 523/2020
(Rajkumar G. Sonawane Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 14.12.2020

ORAL ORDER :

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

2. It is the grievance of the applicant that though he is senior to the candidates, whose names are mentioned in Annex. A-2 of the O.A. from sr. nos. 27 and onwards, he is not considered by the respondents for promotion. It is submitted that the record of the applicant is clean and under these circumstances, if the respondent no. 1 is permitted to issue promotion orders then it will cause grave prejudice to the applicant.

3. Learned Presenting Officer has submitted that without taking any instructions from the respondent nos. 1 & 2, it is not possible for him to make any submission before this Bench.

4. In view of these circumstances, I hereby direct that if any promotion orders are issued by the respondent no. 1, then the same will be subject to final decision in this O.A.

::-2-::

O.A. NO. 523/2020

5. Issue notice to the respondents, returnable on 12.1.2021.
6. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
10. S.O. to 12.1.2021.
11. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 524/2020
(Sayyad Ramji Ahmed Abdul Zamir Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 14.12.2020

ORAL ORDER :

Heard Shri SayedZahed, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. It is the grievance of the applicant that he resumed the service on compassionate ground on 30.10.2018 and as he was unable to pass the requisite typing examinations within the stipulated period, the Joint Director , Vocational Education and Training, Aurangbad vide his order dated 26.11.2020 terminated his services for the reasons that the applicant was unable to pass the typing examinations within the stipulated period.

3. As the services of the applicant are already terminated the interim relief of reinstatement of the applicant in service as claimed by the applicant cannot be granted at this this stage. However, the applicant is at liberty to request the respondent authority to appoint him in the cadre of Class-D, keeping open the issue of legality of the impugned termination order dtd. 26.11.2020

::-2-::

O.A. NO. 524/2020

4. Issue notice to the respondents, returnable on 13.1.2021.
5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
9. S.O. to 13.1.2021.
10. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

C.P. 23/2020 IN O.A. 769/2018
(Pralhad C. Shelke Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 14.12.2020

ORAL ORDER :

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

2. Issue notices to the respondents in the present C.P., returnable on 14.1.2021.
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.

::-2-::

C.P. 23/2020 IN O.A. 769/2018

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 14.1.2021.

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

MEMBER (J)

ARJ ORAL ORDERS 14.12.2020

ORIGINAL APPLICATION NO. 373/2020
(Rohan S. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 14.12.2020

ORAL ORDER :

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

2. It is submitted by the learned Advocate for the applicant that the applicant has submitted a representation to the respondent on 8.11.2019 and till today it is not decided and if this representation is accepted by the respondent, then it will curtail the entire litigation.

3. In the above circumstances, the respondent is directed to take a decision on the representation dated 8.11.2019 submitted by the applicant within the period of 2 months from the date of receipt of this order.

4. S.O. to 22.3.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 500/2020
(Yeshwant K. Bhandare Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 14.12.2020

ORAL ORDER :

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

2. Learned C.P.O. seeks time to file affidavit in reply of the respondents in the present O.A.
3. In the circumstances, the respondents are directed to positively file affidavit in reply within four weeks.
4. S.O. to 15.1.2021.

MEMBER (J)

MA 316/2020 WITH MA 142/2020 IN OA 384/2019
(Vinayak B. Kapse Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 14.12.2020

ORAL ORDER :

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

2. Issue notices to the respondents in M.A. 316/2020, returnable on 21.12.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

::-2-::

**MA 316/20 WITH MA 142/20
IN OA 384/19**

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 21.12.2020.

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

MEMBER (J)

MA 274/2020 IN OA 469/2020

(Nikita A. Khadekar & Anr. Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 14.12.2020

ORAL ORDER :

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

2. Learned C.P.O. seeks time to file affidavit in reply of the respondents in the present M.A. no. 274/2020.
3. In the circumstances, the respondents are directed to file their affidavit in reply by the next date positively.
4. S.O. to 4.1.2021.

MEMBER (J)

MA 294/2020 IN OA 500/2019
(Saburi C. Donglikar Vs. State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 14.12.2020

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant in M.A. / respondent no. 5 in O.A., Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 4, Shri S.S. Thombre, learned Advocate for respondent no. 6 in M.A. / O.A. and Shri Yogesh Deshmukh, learned Advocate for applicant in O.A.

2. Shri Yogesh Deshmukh, learned Advocate for the applicant in O.A. has filed affidavit in reply of the applicant in the M.A. It is taken on record and copy thereof has been supplied to other side.

3. The respondent nos. 5 & 6 in O.A. have filed M.A. no. 294/2020 for modification of the interim order dtd. 26.6.2019 passed by this Bench in O.A. no. 500/2019. Shri Yogesh Deshmukh, learned Advocate for the applicant in O.A. has submitted that both these respondents i.e. respondent nos. 5 & 6 had earlier moved Misc. Application bearing No. 615/2019 for the same relief and the same is disposed of by this Tribunal vide order dtd. 14.1.2020. It is further submitted by Shri Deshmukh, learned Advocate for

::-2-::

MA 294/2020 IN OA 500/2019

the applicant in O.A. that both these respondents i.e. respondent nos. 5 & 6 have filed a writ petition before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad for the same relief and the said writ petition is still pending.

4. In view of this, if the respondent nos. 5 & 6 have urgency in this matter they may either withdraw the writ petition pending before the Hon'ble High Court and show their willingness to hear the O.A. no. 500/2019 finally.

5. S.O. to 12.1.2021.

MEMBER (J)

MA 309/2020 IN OA 431/2020

(Sujit D. Borkar Vs. Purushottam G. Khule & State of Maharashtra & Ors.)

CORAM : A.D. KARANJKAR, MEMBER (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 14.12.2020

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant in the present M.A., Shri Ajay S. Deshpande, learned Advocate for respondent no. 1 in the present M.A. / applicant in O.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 2 & 3 in the present M.A. / respondent nos. 1 & 2 in the O.A. and S/shri Vivek Kabade / Sandeep Munde, learned Advocates for respondent nos. 4 to 6 in the present M.A. / respondent nos. 3 to 5 in O.A.

2. Shri Joshi, learned Advocate for the applicant in the present M.A. no. 309/2020 has submitted that the applicant in M.A. - Shri Sujit D. Borkar - is senior to the applicant in O.A. i.e. Shri Purushottam G. Khule and private respondent nos. 4 to 6 in M.A. and there is no dispute about his seniority. He has further submitted that the present M.A. is moved by the applicant for issuing directions to the applicant in O.A. to join this intervenor as respondent in the O.A. no. 431/2020 as this intervenor is

::-2-::

MA 309/2020 IN OA 431/2020

being prejudiced by the interim order dtd. 19.10.2020 passed by this Tribunal in O.A. no. 431/2020.

3. My attention is invited to the order dtd. 19.10.2020 passed by this Bench in O.A. no. 431/2020. In para no. 4 of the said order it is observed by this Bench as under :-

“4. Learned C.P.O. on instructions undertakes that till filing of the affidavit in reply by the respondents, the respondents will not start the process of promotion for the post of Under Secretary (Legal). Said undertaking is taken on record.”

4. It is the grievance of the applicant in M.A. that due to passing of above interim order in the O.A., the entire process of promotion is stalled and consequently though the applicant in M.A. is senior he is suffering prejudice.

5. In view of submissions of learned C.P.O., learned Advocate for the applicant in O.A. and learned Advocates for private respondent nos. 3 to 5, I hereby direct that the applicant in O.A. shall join the applicant in M.A. – Shri Sujit Devidas Borkar – as the respondent no. 6 in the O.A. The learned Advocate for the applicant in O.A. shall amend the O.A. immediately.

6. In the meantime the respondent no. 2 – the Principal Secretary & RLA, Law & Judiciary Department, Mantralaya, Mumbai - is directed to decide the issue of

::-3-::

MA 309/2020 IN OA 431/2020

seniority i.e. the representations (Annex. A-4 collectively of O.A.) submitted by the applicant in O.A. – Shri Purushottam G. Khule – within the period of two weeks.

7. S.O. to 5.1.2021.

MEMBER (J)

ARJ ORAL ORDERS 14.12.2020

Date : 14.12.2020

ORIGINAL APPLICATION NO. 551 OF 2020

(Kiran S. Pathare Vs. The State of Maharashtra &Ors.)

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

1. Shri M.B. Kolpe, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 23.02.2021. The case be listed for admission hearing on 23.02.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 14.12.2020

**M.A. No. 249/2020 in O.A. No. 1009/2020
(Bharat S. Maher Vs. The State of Maharashtra &Ors.)**

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

1. Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A. No. 249/2020, returnable on 27.01.2021. The case be listed for admission hearing on 27.01.2021.
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