

ORIGINAL APPLICATION NO. 78/2022
(Vaishali Balasaheb Tote Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

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

2. On instructions, learned counsel appearing for the applicant submits that the applicant does not want to file any rejoinder affidavit. In view of the same, list the matter for hearing on 06.02.2025.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

ORIGINAL APPLICATION NO. 1355/2024
(Yuvraj Dhondiram Birajdar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Nilesh J. Patil, learned counsel for respondent Nos. 2 & 3, are present.

2. Learned counsel for respondent Nos. 2 & 3 submits affidavit in reply on behalf of the said respondents and the same is taken on record and copy thereof has been given to the learned counsel for the applicant today itself.

3. Learned Chief Presenting Officer has placed before us communication received from Desk Officer, Government of Maharashtra dated 09.12.2024. By this communication it is informed to the learned C.P.O. that the applicant will be accommodated at the near place and the same is possible because of re-organization of staffing pattern as per the order issued by the Government dated 10.10.2024.

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O.A. NO. 1355/2024

However, due to status quo order passed by this Tribunal the same is not possible. Learned counsel for the applicant seeks time to take specific instructions from the applicant.

4. S.O. to 17.12.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

C.P.NO. 101/2024 IN O.A.NO. 80/2024
(Vishal Ashok Dhole Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri K.G. Salunke, 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 submits that all the respondents have been duly served and the service affidavit will be filed in the office of this Tribunal during the course of the day.

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

4. S.O. to 28.01.2025.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

ORIGINAL APPLICATION NO. 1264/2024
(Subhash Namdeo Khillare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that during the course of the day affidavit in reply will be filed.

3. S.O. to 20.01.2025 for filing rejoinder affidavit, if any. Interim relief, if any granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

ORIGINAL APPLICATION NO. 77/2024
(Pralhad Vithalrao Fiske Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri Hemant More, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 27.01.2025.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

ORIGINAL APPLICATION NO. 117/2024
(Prashant P. Sonawane Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

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. At the request of learned Presenting Officer, S.O. to 10.01.2025 for filing affidavit in reply.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

ORIGINAL APPLICATION NO. 583/2020
(Vishal R. Mhaske Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri S.S. Dambe, learned Presenting Officer for the respondent authorities, are present.

2. We have heard both the sides. S.O. to 11.12.2024 for taking instructions by the learned Presenting Officer from the respondents. This matter has already been treated as part heard.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

ORIGINAL APPLICATION NO. 688/2024
(Buddhisagar Baburao Sawant Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri Nilesh J. Patil, learned counsel holding for Shri Vilas P. Savant, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 16.01.2025.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

C.P.NO. 105/2024 IN O.A.NO. 759/2022
(Manisha Arun Rashinkar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

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

2. S.O. to 02.01.2025.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

ORIGINAL APPLICATION NO. 244/2016
(Vijaykumar P. Narwade Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that the applicant has carried out the amendment after obtaining the leave of this Tribunal. Learned P.O. seeks time to file affidavit in reply to the amended portion of the O.A.

3. S.O. to 24.01.2025 for filing affidavit in reply, if any.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

ORIGINAL APPLICATION NO. 177/2017
(Anand Vyankatrao Ganjewar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, 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 seeks time to take detail instructions in this regard and file additional affidavit, if necessary.

3. S.O. to 09.01.2025. This matter has already been treated as part heard.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

ORIGINAL APPLICATION NO. 1440/2024
(Avinash Mahipat Dhawade Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri Ajay S. Deshpande, learned counsel for the applicant and Shri S.D. Dambe, learned Presenting Officer for the respondent authorities, are present.

2. We have heard learned counsel for the applicant for some time. However, on the basis of the mere allegation at present no notice can be issued in this matter. However, considering the grievance raised by the applicant and since no information was provided to him by the department even though the applicant has approached to them by filing application under Right to Information Act, we direct the learned Presenting Officer to take instructions in connection with this recruitment and the status at present.

4. S.O. to 02.01.2025.

MEMBER (A)

MEMBER (J)

O.A.619/24 WITH M.A.313/24 WITH O.A.336/24
(Ganesh D. Dandge & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri Shrikrishna B. Solanke, learned counsel for the applicant in O.A. No. 619/2024 has filed leave note. Shri M.B. Kolpe, learned counsel for intervenor in M.A. No. 313/24 & for the applicant in O.A. No. 336/2024 and Shri Mahesh B. Bharaswadkar & Shri V.G. Pingle, learned Chief Presenting Officer and Presenting Officer for the respective respondents in respective matters, are present.

2. S.O. to 06.01.2025.

MEMBER (A)

MEMBER (J)

ORAL ORDER 10.12.2024-HDD

M.A.239/23 IN M.A.359/22 IN O.A.729/22
(Dnyaneshwar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

W I T H

M.A.257/23 IN M.A.563/22 IN O.A.730/22
(Gajanan P. Chaudhari & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

M.A.239/23 IN M.A.359/22 IN O.A.729/22

Shri V.B. Wagh, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present. Shri Amol B. Chalak, learned counsel for intervenors in M.A. No. 359/22 (**absent**).

M.A.257/23 IN M.A.563/22 IN O.A.730/22

Shri V.B. Wagh, learned counsel for the applicants, Shri R.A. Joshi, learned counsel for intervenors in M.A. No. 563/22 and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 10.02.2025.

MEMBER (A)

MEMBER (J)

**M.A. NO. 614/2024 IN O.A. NO. 802/2024
(Sandu Y. Dongare Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri V.K. Jadhav, Member (J)
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

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

2. Leave to correct the application seeking amendment. Learned counsel for the applicant seeks leave to delete the prayer clause (B) to the extent of adding respondent no. 05 (the Enquiry Officer) as necessary party, so also correcting the prayer clause 'D-(i)' in consonance with the same.

3. The amendment is only to the extent of insertion of prayer of interim relief in the O.A., since the said departmental enquiry is pending for long period of 07 years as on today.

4. The learned Presenting Officer submits that the affidavit in reply is already filed in the O.A., however, the same reply also shall be treated as say to the reply for interim relief, if the amendment is allowed.

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M.A. NO. 614/2024 IN O.A.
NO. 802/2024

Learned P.O. seeks leave to file additional affidavit in reply to the O.A., if any.

5. In view of above, we allow prayer clause 'D-(i)' corrected as per leave granted. The applicant to carry out the amendment within 02 weeks' from the date of this order.

6. The Misc. Application stands disposed of. There shall be no order as to costs.

7. The O.A. be listed on Board on 13.01.2025.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 633/2012
(Sachin S. Unawane & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri H.A. Joshi, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. By order dated 04.09.2024 we have listed this matter for hearing, since it is quite old one. However, as a course of abundant precaution, we request the learned counsel for the applicants to place before us the copy of the Special Leave Petition preferred before the Hon'ble Supreme Court in connection with the similarly situated employees. We also direct the learned Presenting Officer to produce the copy of the said S.L.P. pending before the Hon'ble Supreme Court, if possible.

3. S.O. to 09.01.2025.

MEMBER (A)

MEMBER (J)

ORIGINAL APPICATION NO. 498/2013
(Shivraj D. Hawanna Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

We have heard Shri S.D. Joshi, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities for some time.

2. The learned counsel for the applicant seeks time to take instructions. Time granted.

3. S.O. to 19.12.2024. **Part Heard.**

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

**M.A. NO. 284/2023 IN O.A. ST. NO. 1141/2023
(Chayya V. Bhosale Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri V.K. Jadhav, Member (J)
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. There is delay of more than 11 years. The learned counsel for the applicant seeks time to place on record the synopsis of the events to explain the delay. Time granted.

3. S.O. to 17.01.2025.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPICATION NO. 939/2017
(Dattatraya S. Bargaje Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. We have heard the learned counsel for the applicant at length. Learned Presenting Officer seeks time.

3. S.O. to 20.01.2025. **Part Heard.**

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPICATION NO. 562/2021
(Alka B. Naigaonkar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The matter is reserved for orders.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPICATION NO. 196/2021
(Sandip P. More Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri S.S. Dambe, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 10.01.2025 for hearing. The interim relief, if any, granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 56/2021
(Santosh S. Kamble Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

We have heard Shri Vijay C. Suradkar, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities for some time.

2. It appears that the applicant's claim, if any, under the recommendations of Lad-Page Committee may not be acceptable. However, after death of his mother, who was Cook on permanent basis in the Department, the applicant was entitled for compassionate appointment and accordingly his name was inserted in the wait-list maintained by the Department for the compassionate appointments.

3. The applicant after his name is inserted in the wait-list of the compassionate appointment got the appointment on temporary basis for 29 days at a time with break for near about 04 years and thereafter terminated solely for the reason that he crossed the age of 45 years for giving him compassionate appointment.

4. On the earlier occasion in respect of the similarly situated candidate, this Tribunal in O.A. no. 186/2023 (Anand s/o Indrasen Dhale Vs. The State of Maharashtra & Ors.) by order dated 10.09.2024 directed the respondents therein to consider the claim of the applicant therein for regular appointment on Group-D post on compassionate appointments.

5. The learned Presenting Officer submits that the opinion is given in connection with the aforesaid decision passed in O.A. No. 186/2023 to the Department to prefer the Writ Petition. The learned P.O. thus seeks time to take instructions in this regard. Time granted.

6. S.O. to 15.01.2025.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 190/2024
(Parag Sitaram Wagh Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. This pertains to posting on promotion. Though the applicant has exercised the option for posting on promotion and given choice at Sr. No. 3 Shindkheda, District Dhule and accordingly posting was given, the applicant has approached this Tribunal with a request for modification of promotional posting order for sole reason of old age of his mother and health issues.

3. Learned counsel for the applicant submits that the applicant is ready to file representation along with relevant documents in support of the same within 02 weeks from today before the concerned respondents and upon submitting the said representation the concerned respondents may be directed to decide the same in a time bound manner. Learned counsel submits that at present post of

Group Instructor in Government ITI at Nashik and Sinner are vacant and the applicant may be considered for the aforesaid post.

4. Learned Presenting Officer has strongly resisted this request of the applicant for the reason that the applicant himself exercised the option 'Shindkheda District Dhule' and accordingly promotional posting was given to him on that post. Learned P.O. submits that the applicant is now willing to file a fresh representation, the respondents may be granted liberty to decide the same on its own merits.

5. In view of above, this Original Application can be disposed of with directions to the concerned respondents to decide the representation of the applicant on its own merits in a time bound manner. Hence, the following order: -

ORDER

- (i) The Original Application is partly allowed.
- (ii) The applicant shall file a fresh representation along with the relevant documents to the respondent No. 02 within 02 weeks from the date of this order and upon submission of such representation within

02 weeks, the respondent No. 02 shall consider the same on its own merits as expeditiously as possible and in any case within 02 months from the date of this order.

(iii) In the circumstances there shall be no order as to costs.

(iv) The Original Application is accordingly disposed of.

MEMBER (A)

ARJ ORAL ORDER 10.12.2024

MEMBER (J)

M.A.NO. 320/2023 IN O.A.ST.NO. 1188/2023
(Pradnya M. Paikrao Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

Shri N.S. Kadarale, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for respondent No. 4, are present.

2. S.O. to 10.02.2024 for hearing.

MEMBER (A)

ARJ ORAL ORDER 10.12.2024

MEMBER (J)

ORIGINAL APPICATION NO. 963/2017
(Vasant Krke & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 18.02.2025 for hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

**C.P. NO. 25/2024 IN O.A. NO. 385/2021
(Sachin B. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri V.K. Jadhav, Member (J)
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the petitioner and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the petitioner, S.O. to 23.01.2025 for hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

C.P. NO. 26/2024 IN O.A. NO. 478/2021
(Syed Mujahed Syed Qutabuddin Vs. State of Maharashtra
& Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the petitioner and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the petitioner, S.O. to 23.01.2025 for hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 685/2019
(Shivaji R. Thakare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 17.01.2025 for hearing. The interim relief, if any, granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 760/2019
(Vishnu B. Jaybhaye Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

Shri Lalit M. Badgujar, learned counsel holding
for Shri Swapnil Deshmukh, learned counsel for the
applicant and Shri V.G. Pingle, learned Presenting
Officer for the respondent authorities, are present.

2. At the request of learned counsel for the
applicant, S.O. to 17.01.2025 for hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 853/2019
(Shriram C. Pachpute & Another Vs. State of Maharashtra
& Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 10.12.2024

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant (**absent**). Shri S.S. Dambe, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicants, S.O. to 18.02.2025 for hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 09/2020
(Dr. Anita R. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri S.S. Dambe, learned Presenting Officer for the respondent authorities, are present.

2. With consent of both the sides, S.O. to 03.01.2025 for hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 366/2020
(Bharat L. Dhonde Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

Shri Amol Kokad/A.R. Muley, learned counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present. Shri M.B. Ubale, learned counsel for respondent no. 03 (**absent**).

2. In view of absence of learned counsel for the applicant and learned counsel for respondent no. 03, S.O. to 13.02.2025 for hearing.

MEMBER (A)

ARJ ORAL ORDER 10.12.2024

MEMBER (J)

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

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 17.02.2025 for hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 500/2023
(Amol D. Narmale Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

Shri V.P. Savant, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. With consent of both the sides, S.O. to 06.01.2025 for hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 566/2024
(Rahul W. Bandewad Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)
DATE : 10.12.2024

ORAL ORDER :

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

2. With consent of both the sides, S.O. to 08.01.2025 for hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 322 OF 2023
(Chhaya M. Suradkar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Heard Shri Amol A. Kokad, learned counsel for the applicant and Smt. V.P. Choudhari, learned Presenting Officer for the respondent authorities.

2. The applicant's learned counsel upon instructions seeks for withdrawal by stating that his grievance has been redressed. The relevant document is also placed on record. The same is marked as document 'X' for identification.

3. In view of above, the present Original Application stands disposed of since withdrawn. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 819 OF 2024
(Kakasaheb S. Doiphode Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri H.P. 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 18.12.2024 for hearing. **High on board.**

MEMBER (J)

SAS ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 820 OF 2024
(Ajay V. Kasture Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri H.P. 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 18.12.2024 for hearing. **High on board.**

MEMBER (J)

SAS ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 373 OF 2021
(Ramesh N. Wagh Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri S.S. Jadhavar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri M.S. Mahajan, learned counsel for respondent Nos. 2 & 3, are present.

2. During the course of hearing in order to find way out, some suggestions have been made by the bench.

3. In response, the applicant's learned counsel made a statement on instructions from the client that the applicant would waive 50% of the back wages (meaning thereby 50% of the back wages during the period from 14.01.2004 which was the date on which the Hon'ble High Court has directed to reinstate, till 21.06.2006 i.e. the day on which he has been reinstated) provided that the respondent agrees and accepts to accord the benefits of continuity of services by waiving the entire period for all other benefits for which the applicant is entitled as if he was continued in service.

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O.A.373/2021

4. Learned P.O. is requested to take instructions in this regard.

5. S.O. to 13.12.2024 for final hearing. **High on board.**

MEMBER (J)

SAS ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 25 OF 2022
(Shailesh V. Gavit Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel holding for Shri Swapnil Joshi, 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 30.01.2025 for final hearing.

MEMBER (J)

M.A.NO. 113/2024 IN T.A.NO. 7/2024 (W.P.No.687/2024)
(Yusufkhan S/o Bashirkhan Pathan Vs. State of
Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Heard Shri P.H. Patil, learned counsel for the applicant and Smt. V.P. Choudhari, learned Presenting Officer for the respondent authorities.

2. This is an application seeking condonation of delay of 6 years and 2 months caused for approaching to the court of law for redressal of grievance.

3. The applicant came to be retired by way of superannuation on 30.06.2016 from the post of Assistant Sub Inspector. It was followed by issuances of impugned order dated 13.10.2016 for recovery of excess payment to the tune of Rs.90,625/-. In pursuance of the said order, the amount has been recovered on 19.10.2016 from the retiral benefits.

4. It is the applicant's contention that the recovery made so far was against the law laid down by the Hon'ble Supreme Court in a case of **State of Punjab and Ors. Vs. Rafiq Masih (White Washer) & Ors.**

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reported in (2015) 4 SCC 334. That is why he has invoked writ jurisprudence of Hon'ble High Court under Article 226 of Constitution of India.

5. Some facts are necessary to mention herein that initially for the said relief the applicant has filed Writ Petition bearing No. 687/2024, however due to existence of alternate efficacious remedy, the Hon'ble High Court remitted the matter to this Tribunal along with delay condonation application since the law of limitations applies to the Tribunal. The applicant has filed this application seeking condonation of delay of 6 years and 2 months caused in challenging the impugned order of recovery dated 13.10.2016.

6. The applicant has submitted that he is old age person and his wife is suffering from various ailments. Besides that due to medical problem and financial crisis, he was mentally disturbed that is why the delay occurred. He has also stated that recovery orders have been set aside in case of various similarly situated persons on which the applicant got knowledge and therefore, seeks to condone the delay.

7. Learned Presenting Office resisted this application by laying hand on the huge length of

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delay which runs in to few years. It is submitted that the reasons stated in the application are not sustainable and thus the delay cannot be condoned.

8. The cause for approaching this Tribunal is for refund of the amount which was recovered by the respondents against the law laid down by the Hon'ble Supreme Court in a case of **State of Punjab and Ors. Vs. Rafiq Masih (White Washer) & Ors.**

9. Undisputedly the Hon'ble Supreme Court has rendered the said decision on 18.12.2014 and thereafter, the recovery has been made. While dealing this application, the said proposition of law is part of consideration. On the point of delay the applicant has stated the reason which I have already delineated. Though it is settled law that the delay shall be construed liberally, however, each case has to be decided on the basis of given facts. The applicant has come to the court though belatedly, but cause is to challenge the action which is against the law declared by the Hon'ble Supreme Court. Undisputedly, in similar situation, various orders have been passed by the Tribunal as well as the Hon'ble High Court basing on the said decision.

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10. In above peculiar facts I have assessed the term “sufficient cause” which requires to be satisfied to the judicial mind. It is presumed that the delay is not intentional unless otherwise shown.

11. The other side has not shown any mala-fide and hence in absence of that in above peculiar facts, it is desirable to condone the delay. Having regard to the long length of delay, certain costs have to be imposed. In these circumstances, the following order is passed.

ORDER

- (a) The Misc. Application No. 113/2024 is hereby allowed.
- (b) The delay of 6 years and 2 months caused in approaching the Tribunal has been condoned on the condition that the applicant shall deposit costs of Rs.5,000/- (Five Thousand Only). The amount of costs shall be paid to the M.A.T. Bar Association within a period of two weeks from the date of this order.

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- (c) 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.
- (d) The M.A. accordingly disposed of.

MEMBER (J)

ORIGINAL APPLICATION NO. 898 OF 2023
(Madhukar L. Dadake Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Ajinkya Reddy, learned counsel for respondent No.2, are present.

2. At the request of learned counsel for the applicant, S.O. to 17.12.2024 for hearing. **High on board.**

MEMBER (J)

SAS ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 562 OF 2024
(Rahul B. Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri R.K. Khandelwal, 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 02.01.2025 for hearing.

MEMBER (J)

SAS ORAL ORDER 10.12.2024

O.A.NO. 414/2023 WITH M.A.NO. 360/2023
(Sachinsingh B. Chauhan Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.01.2025 for hearing. Interim relief, if any, granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 288 OF 2024
(Chandrakant V. Nandanwar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri S.P. Sonpawale, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has filed affidavit in reply on behalf of respondent Nos. 1 to 5 and handed over the copy to other side.

3. S.O. 20.12.2024 for hearing. Interim relief, if any, granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 857 OF 2024
(Arun B. Thakar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

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

2. S.O. 20.12.2024 for hearing. Status quo, if any, granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 10.12.2024

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

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Smt. V.P. Choudhari, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. 11.12.2024 for final hearing in **urgent admission category**.

MEMBER (J)

SAS ORAL ORDER 10.12.2024

T.A. 08/2024 (W.P.NO. 693/2024)
(Bhimrao K. More Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

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. At the request of learned counsel for the applicant, S.O. to 18.12.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 771 OF 2024
(Sanjay B. Barde Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities, are present.

2. Applicant's learned counsel would submit that she does not wish to file rejoinder affidavit.

3. List the matter for admission hearing on 03.01.2025.

4. Learned Presenting Officer is directed to take instructions about the grant of provisional pension and make submissions on the next day.

MEMBER (J)

ORIGINAL APPLICATION NO. 1134 OF 2022
(Ramesh L. Naik Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri A.B. Kharosekar, 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 seeks time to file rejoinder affidavit. Time granted till the next date with an undertaking that if rejoinder affidavit not filed on or before the next date, the matter will be fixed for hearing.

3. S.O. to 14.01.2025.

MEMBER (J)

M.A. No. 39/2024 in O.A. St. No. 221/2024
(Ravindra V. Pathak Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri V.C. Suradkar, learned counsel holding for
Shri A.B. Rajkar, learned counsel for the applicant
and Smt. Vanita Choudhary, learned Presenting
Officer for the respondent authorities, are present.

2. At the request of learned counsel for the
applicant, S.O. to 07.01.2025 for hearing.

MEMBER (J)

KPB ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 900 OF 2018
(Bhika M. Pathare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri V.C. Suradkar, learned counsel holding for
Shri A.B. Rajkar, 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 07.01.2025 for hearing.

MEMBER (J)

KPB ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 959 OF 2024
(Vitthal T. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri K.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 would submit that despite repeated opportunity, affidavit in reply is not filed.

3. Learned Presenting Officer is directed to file affidavit in reply on the next date of hearing without fail, otherwise the matter will be fixed for hearing.

4. S.O. to 17.01.2025.

MEMBER (J)

ORIGINAL APPLICATION NO. 129 OF 2024
(Bhimrao V. Mhaske Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri L.B. Yadav, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri A.D. Gadekar, learned counsel for respondent No. 5, are present.

2. Learned counsel for respondent No. 5 submits affidavit in reply. Same is taken on record and copy thereof is given to other side.

3. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 4.

4. S.O. to 13.01.2025.

MEMBER (J)

ORIGINAL APPLICATION NO. 1086 OF 2024
(Vijay K. Shirsat Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer is directed to file affidavit in reply on the next date of hearing without fail, otherwise the matter will be fixed for hearing.

3. S.O. to 16.01.2025.

MEMBER (J)

ORIGINAL APPLICATION NO. 1116 OF 2023
(Yogesh N. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri D.T. Devane, 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 Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 03.01.2025.

MEMBER (J)

KPB ORAL ORDER 10.12.2024

M.A. No. 50/2024 in O.A. St. No. 99/2024
(Narayan B. Wagh Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri Swapnil Deshmukh, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 5 in M.A. Same is taken on record along with spare copy for the applicant.

3. List the matter for hearing on 24.01.2025.

MEMBER (J)

KPB ORAL ORDER 10.12.2024

M.A. No. 531/2024 in O.A. No. 1040/2024
(Balu G. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri S.S. Tandale, learned counsel holding for Shri B.R. Kedar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 and 2 in M.A. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. List the matter for hearing on 20.01.2025.

MEMBER (J)

KPB ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 1403 OF 2024
(Jamuna R. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri V.P. Savant, learned counsel holding for Shri S.G. Dhumak, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Applicant's learned counsel undertakes to file application for condonation of delay.

3. S.O. to 02.01.2025.

MEMBER (J)

**M.A. 214/2022 with M.A. 148/2021 in O.A. St. 481/2021
(Anita P. Gitey Vs. State of Maharashtra & Ors.)**

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri S.B. Shirsath, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. The applicant is absent in both the M.As. He is directed to appear and make submissions, failing which the necessary order would be passed on the next date.

3. S.O. to 29.01.2025.

MEMBER (J)

KPB ORAL ORDER 10.12.2024

M.A. 494/2024 in M.A. 393/2024 in O.A. 150/2023
(Ramchandra C. Bhalerao @ Dhangar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

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

2. By way of proposed amendment, the applicant is first time challenging order dated 04.12.2020 about re-fixation of pay and thus the delay needs to be counted from that date excluding the period of limitation provided by law. The applicant is directed to calculate the delay properly as per the Administrative Tribunals Act, 1985 and seek for condonation of delay.

3. S.O. to 09.01.2025.

MEMBER (J)

O.A. Nos. 921, 922, 923 & 924 all of 2018
(Shriram B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri P.B. Salunke, learned counsel holding for Shri V.G. Salgare, learned counsel for the applicants in all these O.As. and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 5 in O.As. No. 922 & 924 both of 2018. Same is taken on record and copy thereof is given to learned counsel for the applicants.

3. Learned P.O. seeks time to file affidavit in reply on behalf of respondent No. 5 in O.A. Nos. 921 & 923 both of 2018. Time granted.

4. S.O. to 17.01.2025 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1378 OF 2024
(Pralhad L. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

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

2. Learned counsel appearing for the applicant would submit that presently he is not pressing prayer clause 19(B) of the present petition, but would submit that the O.A. can be disposed of by directing respondents to decide his representations dated 17.09.2023 (page No. 18 of paper book), 04.07.2024 (page No. 21 of paper book) and 27.09.2021 (page No. 26 of paper book) in respect of taking decision on the issues claimed about regular promotion and other benefits.

3. Having regard to the limited prayer, the respondent Nos. 1 and 2 are hereby directed to take appropriate decision on the above referred representations within two months from the date of receipt of this order. All contentions raised in the present O.A. are kept open.

4. The Original Application is accordingly disposed of in above terms. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 276 OF 2024
(Rameshwar N. Gupta Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Heard Shri Shakil U. Shaikh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. The present matter is not on board. At the request of learned counsel for the applicant, it is taken on board.

3. At the request of learned counsel for the applicant, re-issue notices to the respondents, returnable on 06.02.2025.

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 06.02.2025.

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

MEMBER (J)

M.A. No. 601/2024 in O.A. No. 1380/2024
(Shivaji Dada Gawali Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. By the present Misc. Application the applicant is seeking condonation of delay of 2 years, 9 months and 28 days caused in filing the Original Application to challenge the impugned order dated 07.02.2019, by which excess payment has been recovered. Thus the applicant's case stands on the decision of 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**. So far as the delay is concerned, it is argued that the applicant is poor labourer, who was unaware about legal position, as well as financial constraints precluded from filing Original Application.

3. The State resisted this application by contending that the delay is huge running up to three years and thus, in absence of sufficient cause, it cannot be condoned.

//2// M.A. No. 601/2024 in
O.A. No. 1380/2024

4. Undisputedly, the applicant was labour i.e. Class-IV employee serving with respondent No. 2- Executive Engineer, Minor Irrigation Division No. 1, Chh. Sambhajinagar. The applicant is stated to be illiterate and thus the reason canvased for delay cannot be suspected, unless otherwise shown. The Hon'ble Supreme Court has expressed that the Court shall consider the application under Section 5 of Limitation Act liberally. In order to sub-serve the cause of justice, I deem that sufficient cause has been made out and accordingly, Misc. Application is allowed. The delay caused in O.A. stands condoned.

5. The M.A. No. 601/2024 is accordingly disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 1380 OF 2024
(Shivaji Dada Gawali Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 28.01.2025.

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 28.01.2025.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 882 OF 2024
(Swapnil L. Pachlekar & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

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

3. S.O. to 06.01.2025 for filing rejoinder affidavit, if any.

MEMBER (J)

KPB ORAL ORDER 10.12.2024

ORIGINAL APPLICATION NO. 924 OF 2024
(Shobhabai O. Choudhari Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 10.12.2024

ORAL ORDER :

Shri V.R. Jain, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 3. Same is taken on record along with spare copy for the applicant.

3. S.O. to 22.01.2025 for filing affidavit in reply on behalf of other respondents.

MEMBER (J)