

O.A. NO. 1022/2023 WITH M.A. NO. 145/2024
(Dr. Yogendra G. Yeotikar Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Shri B.R. Kedar, learned counsel for the applicant in O.A. (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri H.P. Jadhav, learned counsel for applicant in M.A., are present.

2. S.O. to 07.10.2024 for hearing. **High on Board.**

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.09.2024

T.A. NO. 26/2024 W.P. NO. 7052/2024
(Kiran M. Salve Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Shri Kiran M. Salve, party-in-person and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Party-in-person seeks time to place on record the documents in his possession pertaining to enquiry conducted against him and therefore sought time. Time granted.

3. S.O. to 15.10.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.09.2024

ORIGINAL APPLICATION NO. 1078/2024
(Suresh Phulsingh Rathod Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Heard O.D. Mane, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that though he is fulfilling the criteria for to be considered for promotion to the post of R.S.I., his name has not been included in the list of eligible candidates from feeder cadre. Learned counsel for the applicant submitted that the applicant was regularly promoted in the year 2013 and since then he is working on the post of Police Head Constable. Learned counsel further submitted that the examination for promotion to the post of R.S.I. is scheduled on 20.09.2024 or around the said date. In the circumstances, learned counsel has prayed for an interim relief thereby seeking directions against the respondents to allow the applicant to appear for the said examination.

3. The learned Chief Presenting Officer has opposed for grant of any interim relief stating that the applicant must have approached the competent authority before coming to the Tribunal. In absence of any such rejection from the competent authority, there seems no cause of action for the applicant for filing the present application.

4. We have duly considered the submissions made on behalf of the applicant, as well as, the State authorities. The documents on record prima-facie show that the applicant was initially promoted to the post of Police Head Constable in the year 2013. It is also transpired that the applicant has applied for the said post and obviously for appearance in the examination however nothing has been communicated to the applicant as is averred by him in the present O.A. Though the learned C.P.O. has opposed for grant of any such interim relief stating that without availing the alternate remedy the applicant could not have approached this Tribunal, we are not convinced with the objection so raised. When the examinations are scheduled on 20.09.2024, within the short period available, the applicant may

not have been able to approach the higher authority and submit the representation. Moreover, as further argued by the learned counsel, the applicant was apprehending that if the representation is not decided by the authorities within stipulated time, again he will lose the opportunity to appear for the examination. There appears substance in the submission so made. In the circumstances, it would be too technical to keep the applicant out of consideration on the aforesaid ground. Prima-facie, it appears that the applicant has been working as Police Head Constable since 2013. Therefore, the applicant is eligible if otherwise there is no other impediment to appear in the examination and contest for the post of R.S.I. In the circumstances, we are inclined to pass the following order:-

ORDER

(i) Issue notice to respondents, returnable on 10.10.2024. **Subject to outcome of the present Original Application the respondents shall allow the applicant to appear for the written examination, which is likely to be held on 20.09.2024.**

(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 10.10.2024.

(vii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

C.P. 5/2024 IN O.A. NO. 739/2023
(Prashant N. Kedar Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Heard S.P. Dhoble, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned Presenting Officer tendered across the bar the communication dated 13.09.2024 received to the office of the C.P.O. It is communicated that the respondent no. 02 has been appointed as the Invigilator for the Assembly Elections in Haryana. As such, time is sought till 10.10.2024 for filing affidavit in reply.

3. S.O. to 25.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NOS. 1071/2024

(Dr. Preeti Sudhir Badade Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NOS. 1072/2024

(Dr. Krishnakumar Prabhakar Rao Choudhari Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicants in both the matters and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities in both the matters.

2. When the present matters are taken up for consideration, the learned counsel for the applicants submits that the facts, which are involved in the present matters and the relief claimed by the applicants therein are identical with the facts, which existed in O.A. No. 609/2024. The applicants have placed on record copy of the said order also. Learned counsel pointed out that interim relief as has been granted in the said matter deserves to be granted in favour of the present applicants also. It is further pointed out that subsequently in O.A. No. 990/2024 also same relief has been granted.

3. Learned Presenting Officer though has not disputed that the facts which are involved in the present matters and the relief claimed by the applicants therein are identical with the facts, which existed in earlier matters, it is further contended that to determine the age of retirement is the matter within exclusive domain of the Government and it is a policy matter and in the circumstances, according to her, no interim relief deserves to be granted in the present matters.

4. We have gone through the contents of the Original Applications and the prayers made therein. The facts, which are involved in the present matters and the relief claimed by the applicants are identical with the facts, which existed in earlier matters, wherein this Tribunal has earlier granted interim relief. There cannot be a dispute that to determine the age of retirement is the policy matter, which is exclusively within domain of the State Authorities, however, when the issue as about discrimination comes, which is also raised in the present matters, the said aspect needs to be considered. We see prima-facie case in favour of the applicants. In the

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O.A. NOS. 1071 & 1072
BOTH OF 2024

circumstances, we deem it appropriate to pass the similar order in the instant matters also. Hence, the following order:-

ORDER

(i) Issue notice to the respondents, returnable on 25.09.2024.

(ii) The respondents shall continue the present applicants in service till 31.05.2025 or till decision in the present OAs. whichever occurs earlier.

(iii) We make it clear that the continuation of the present applicants till 31.05.2025 will be subject to the outcome of the present OAs. The question of the Respondents' power, in case the applicants fail in their challenge, to pass necessary order in respect of recovery/adjustment of the pay/wages paid to them for the services rendered under the interim order, is kept open. Similarly, the question of continuation of the applicants beyond 31.05.2025 till they attain the age of 60 years is also kept open.

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

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

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O.A. NOS. 1071 & 1072
BOTH OF 2024

(vi) 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.

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

(viii) S.O. to 25.09.2024.

(ix) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.09.2024

ORIGINAL APPLICATION NO. 1077/2024
(Anamika Kishanrao Jagtap Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Heard Shri O.D. Mane, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, the learned counsel for the applicant pointed out that in the identical facts situation this Tribunal in O.A. No. 992/2024 with connected other matters has disposed of the said O.As. by giving directions to the Director General of Police to decide the representations submitted by the applicants therein within the stipulated period.

3. After having gone through the contents of the present application and the prayers made therein, we are convinced that in the present matter identical facts are existing which existed in O.A. No. 992/2024 and connected other matters. As such, we deem it appropriate to dispose of the present O.A. on the similar grounds.

5. The applicant in the present Original Application is praying to give directions to respondent no. 2, the Director General of Police, M.S., Mumbai to equate the qualification of regular Assistant Sub Inspector and the Assistant Sub Inspector promoted under Assured Career Progression Scheme because both the posts have same qualifications, same length of service and get the same salary.

6. The applicant has made request application to the Director General of Police, M.S., Mumbai to consider her qualification of Assistant Sub Inspector and allow her to appear for the departmental examination for the post of Reserved Police Sub Inspector, which is likely to be held on 20.9.2024. the representation filed by the applicant is not yet decided by the Director General of Police and the applicant submits that the purpose of filing this O.A. will be served if the directions are given to respondents to decide the representation submitted by the applicant in the time bound manner.

7. In view of above submissions, we are inclined to dispose of this O.A. with directions to the respondents

to decide the representation filed by the applicant on its own merit. Hence, the following order: -

ORDER

- (i) The Original Application is partly allowed.
- (ii) Respondent No. 2 i.e. the Director General of Police, M.S., Mumbai shall decide the representation submitted by the applicant as expeditiously as possible preferably before 20.09.2024 on its own merit.
- (iii) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 122/2024
(Harish R. Das Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Nitin Gadre, Member (A), Nagpur Bench
(Through Video Conference)

DATE : 13.09.2024
ORAL ORDER :

Today, when the present matter was taken up for consideration, the applicant in person was present before this Bench of the Tribunal.

Shri D.M. Hange, learned Presenting Officer on Video Conference from CPO Aurangabad office.

2. Party in person sought leave to place on record the synopsis and the relevant documents which are compiled by him. Party in person submits that, that will save the time and the Bench may not require to go through the documents, which are in volume. Accordingly, applicant was permitted to place on record the synopsis and the documents annexed therewith. However, it is noticed that applicant when was referring to the pages in the compilation, which was not before learned Member (A), learned Member (A) was finding difficult to appreciate the arguments advanced by the applicant.

3. In the circumstances, the applicant himself has proposed that he will reach the documents filed on record by him today to the Hon'ble Member (A) at Nagpur and will also provide one set to the learned Presenting Officer appearing in the matter. He further prayed for fixing the matter for hearing thereafter.

4. We find that the proposal is worth considering. Unless the papers are received to the learned Member (A) he may not be able to appreciate the arguments of the applicant. With convenience of all the next date in the matter is fixed on 03.10.2024 at 3.30 p.m.

MEMBER (A)

VICE CHAIRMAN

M.A. No. 41/2023 in O.A. St. No. 346/2021
(Suryakant S. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri P.V. Suryawanshi, 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 25.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 13.09.2024

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 : 13.09.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned counsel holding for 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. At the request of learned counsel for the applicant, S.O. to 22.11.2024 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 : 13.09.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 22.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 285 OF 2022
(Shashikant D. Guntoorkar Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri M.L. Paithane, learned counsel holding for Shri M.A. Golegaonkar, 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 20.11.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 13.09.2024

ORIGINAL APPLICATION NO. 763 OF 2022
(Shivram N. Dhapate Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

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 18.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 227 OF 2024
(Sandhya P. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri Joslyn Menezes, 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 11.11.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 280 OF 2024
(Shalini R. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri V.P. Savant, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Avinash Hande, learned counsel for respondent No. 5, are present.

2. By consent of all the parties, S.O. to 03.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 13.09.2024

ORIGINAL APPLICATION NO. 627 OF 2024
(Suhas A. Sabale Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri Harish Bali, 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 Presenting Officer, S.O. to 30.09.2024.

MEMBER (J)

KPB ORAL ORDER 13.09.2024

ORIGINAL APPLICATION NO. 629 OF 2024
(Vilas S. Harel & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri Harish Bali, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 20.09.2024.

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 : 13.09.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is given to other side.

3. List the matter for admission hearing on 24.09.2024. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 950 OF 2024
(Dilipkumar B. Parekar Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, 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 No. 2. Same is taken on record and copy thereof is given to learned counsel for the applicant today itself.

3. S.O. to 30.09.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 976 OF 2024
(Arun G. Sangewar Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned counsel holding for Shri Jiwan 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 Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 01.10.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 985 OF 2024
(Sangeeta B. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, 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 submits that all the respondents have been duly served and the service affidavit to that effect has already been filed in the office. However, on today's board remark is shown as await service against respondent No. 2.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of all the respondents.

4. S.O. to 07.10.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 577 OF 2024
(Sangeeta M. Wadmare Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 3 & 4. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 03.10.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 578 OF 2024
(Rais M. Yunus Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri D.K. Dagadkhair, 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. 3 & 4. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 03.10.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 579 OF 2024
(Shakuntala G. Dhutadmal Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri D.K. Dagadkhair, 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. 3 & 4. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 03.10.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 582 OF 2024
(Dayanand R. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 3 & 4. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 03.10.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 583 OF 2024
(Kailas M. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 3 & 4. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 03.10.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 584 OF 2024
(Kailas S. Thorat Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 3 & 4. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 03.10.2024 for filing rejoinder affidavit, if any.

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 : 13.09.2024

ORAL ORDER :

Shri Joslyn Menezes, 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 to 4. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 27.09.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 606 OF 2024
(Maruti B. Garote Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri R.R. Bangar, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 3, are present.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 & 2.

3. S.O. to 03.10.2024.

MEMBER (J)

**MA ST.840/2024 in MA ST.841/2024 in OA ST.427/2024
(Govind N. Shitole died through legal heirs Vs. State of
Maharashtra & Ors.)**

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

DATE : 13.09.2024

ORAL ORDER :

Smt. Manisha Deshmukh, learned counsel for the applicants (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 11.11.2024.

MEMBER (J)

KPB ORAL ORDER 13.09.2024

ORIGINAL APPLICATION NO. 395 OF 2017
(Shobha R. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri S.D. Joshi, 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, are present.

2. In compliance with the earlier order, learned Presenting Officer submits a copy of communication dated 05.09.2024 received from respondent No. 1 along with certain documents. Same is taken on record and copy thereof is given to other side today itself.

3. It is a part heard matter. S.O. to 11.10.2024 for further hearing.

3. S.O. to 03.10.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

M.A. No. 264/2024 in O.A. No. 835/2023
(Bhanudas D. Avhad Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant (**Leave Note**). Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicant, S.O. to 04.10.2024.

MEMBER (J)

KPB ORAL ORDER 13.09.2024

M.A. No. 377/2024 in O.A. No. 147/2021
(Ratnaprabha T. Hingade Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri P.B. Rakhunde, learned counsel for the applicant (**Absent**). Smt. Vanita Choudhay, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 25.11.2024.

MEMBER (J)

KPB ORAL ORDER 13.09.2024

ORIGINAL APPLICATION NO. 376 OF 2019
(Manik T. Takalkar & Ors. Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 122 OF 2018
(Ramdas T. Patil Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 558 OF 2018
(Ganesh D. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri R.P. Bhumkar, 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. At the request of learned Presenting Officer, S.O. to 08.10.2024 for final hearing.

MEMBER (J)

M.A. No. 459/2024 in O.A. No. 646/2024
(Nasreen Abdul Karim Khan Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Heard Smt. Nasreen Abdul Karim Khan, applicant in person and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Leave to correct the prayer clause of M.A. by inserting the actual days of delay caused in filing the accompanying Original Application forthwith.
3. Issue notices to respondents in M.A., returnable on 28.10.2024.
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.
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 28.10.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 782 OF 2021
(Dhrupatrao P. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri M.R. Mundhe, learned counsel holding for Shri G.K. Kshirsagar, 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 11.11.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 13.09.2024

ORIGINAL APPLICATION NO. 79 OF 2023
(Satish S. Gugale Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, 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 Presenting Officer, time is granted as a last chance for filing affidavit in reply to the amended O.A.

3. S.O. to 30.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 389 OF 2024
(Sainath P. Pujarwad Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri Dhananjay Mane/Nagesh Talekar, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer seeks leave to file affidavit in reply on behalf of respondent No. 2. Leave granted. The affidavit in reply is taken on record along with spare copy for the applicant.

3. S.O. to 28.10.2024 filing rejoinder affidavit, if any /admission hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 763 OF 2024 WITH
CAVEAT NO. 36 OF 2024**

(Jayshri R. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri V.A. Dhakne, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Moinpasha Shaikh Farid, learned counsel for respondent No. 4 (Caveator), are present.

2. At the request of learned counsel for the applicant, S.O. to 18.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 13.09.2024

ORIGINAL APPLICATION NO. 1083 OF 2024
(Dulaji C. Mendke Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Heard Shri Jiwan Patil, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to respondents, returnable on 24.09.2024.

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. Learned C.P.O. is directed to call relevant record.

8. S.O. to 24.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 1052 OF 2024
(Manohar K. Gokhale Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Ms. Preeti Wankhade, learned counsel for respondent No. 5.

2. Learned Presenting Officer has placed before this Tribunal today a copy of minutes of Civil Services Board meeting dated 16.08.2024 along with approval sheet. Same is taken on record. Learned P.O. seeks some time to file detail reply on behalf of respondent Nos. 1 to 4. Time granted.

3. Learned counsel for respondent No. 5 also seeks time to file affidavit in reply. Time granted.

4. S.O. to 27.09.2024 in **urgent admission category**.

MEMBER (J)

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

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

DATE : 13.09.2024

ORAL ORDER :

Heard Shri P.H. Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities for some time.

2. It appears that select list for the post of Kotwal of Kinwat Tahsil was prepared and published on 08.12.2015 along with wait list for 11 candidates from S.T. category. So far as wait list of S.T. category candidates is concerned, first three candidates at Sr. Nos. 1 to 3 have been issued appointment orders for the post of Kotwal and accordingly they have joined the said post. So far as candidate at Sr. Nos. 4 & 5 are concerned, it appears that they have not submitted application within a stipulated period of one year for their respective appointments on the post of Kotwal for the said Tahsil Kinwat. The applicant herein is at Sr. No. 6 in the waiting list. The candidature of the applicant particularly at Sr. No. 6 in the wait list was not considered solely on the ground that he has not submitted an application within stipulated period of one year.

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O.A. No. 727/2022

3. Undisputedly and it is also a part of record that the applicant has submitted application for appointment on the post of Kotwal for Tahsil Kinwat on 24.10.2016 (Exhibit-B). There is an endorsement of inward Clerk of Tahsil Kinwat on it. It is thus clear that the applicant has submitted an application for appointment on the post of Kotwal within a stipulated period of one year. However, on perusal of the impugned order dated 24.03.2022, it appears that the respondent authorities have considered the application filed by the applicant dated 20.12.2021, which is in fact representation submitted later on to pursue his Original Application.

4. In view of above, the respondent No. 3 is hereby directed to consider the application submitted by the applicant on 24.10.2016 (Annexure-B) and pass the appropriate order within a period of two weeks from the date of this order.

5. The applicant is hereby directed to remain present before the Sub-Divisional Officer, Kinwat, Tq. Kinwat, District Nanded on 18.09.2024.

6. It is a part heard matter. S.O. to 01.10.2024 for further hearing.

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O.A. No. 727/2022

7. Learned Presenting Officer is requested to communicate the present order to respondent No. 3 today itself.

8. Steno copy allowed to learned P.O.

MEMBER (J)

KPB ORAL ORDER 13.09.2024

ORIGINAL APPLICATION NO. 638 OF 2021
(Ganesh Rajaram Admankar Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Heard Shri N.U. Yadav, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 2 to 5.

2. In compliance with the order dated 21.08.2024, learned counsel appearing for respondent Nos. 2 to 5 has submitted certain correspondence. Same is taken on record. On perusal of the same, it appears that so far as advance remarks in ACRs of the applicant for the years 2018-19 and 2019-20 are concerned, in this regard the respondent No. 1 Government by letter dated 26.04.2021 has informed to respondent No. 2 herein that the applicant has submitted complaint specifically stating therein that his ACRs for the aforesaid period are written with advance remark only for the reason that he belongs to backward class and accordingly, the Government has taken a serious note of it and directed to take immediate action. It appears that by reminder letter

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O.A. No. 638/2021

dated 25.06.2021, the respondent No. 1 Government has followed the progress of action, if any taken against the erring officers. On perusal of the communication dated 08.09.2021 submitted today before this Tribunal, it appears that one U.V. Wankhede, Executive Engineer, Beed Irrigation Project Circle, Beed came to be appointed as Enquiry Officer. However, there is no progress of the said enquiry for the reason that he has not been provided the relevant record till this date.

3. In view of above, learned counsel for respondent Nos. 2 to 5 is hereby directed to take specific instructions in this regard and produce before this Tribunal the relevant record of enquiry or to keep respondent No. 2 present in person along with record on the next date of hearing.

4. S.O. to 27.09.2024 for hearing.

5 Steno copy allowed to learned counsel for respondent Nos. 2 to 5.

MEMBER (J)

O.A. Nos. 324, 328, & 330 all of 2024
(Dr. Manohar T. Jadhav & 2 Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicants in all these O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As.

2. In compliance with the orders passed by this Tribunal from time to time, learned Presenting Officer has placed today on record copies of modified transfer orders dated 11.09.2024 in respect of following three applicants:-

- (i) Dr. Manohar Tukaram Jadhav (O.A. No. 324/2024)
- (ii) Dr. Dinesh Ugravanya Valvi (O.A. No. 328/2024)
- (iii) Dr. Narayan Laxman Bawa (O.A. No. 330/2024)

3. In view of above, nothing survives for further consideration in the present three Original Applications. Accordingly, O.A. Nos. 324, 328 & 330 all of 2024 are hereby disposed of. No order as to costs.

MEMBER (J)

O.A. Nos. 325, 326, 327 & 329 all of 2024
(Dr. Ranjana V. Lende & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicants in all these O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As., are present.

Shri R.S. Pawar, learned counsel for respondent No. 5 in O.A. No. 326/2024, is **absent**.

2. At the request of learned counsel for the applicants, S.O. to 18.09.2024 for hearing in **urgent admission category**. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 492 OF 2023
(Dr. Jagannath Ganpatrao Kundkar Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Heard Smt. Rutuja Kulkarni, learned counsel holding for Ms. Preeti Wankhade, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. In compliance with the order dated 02.09.2024, learned Presenting Officer has placed before this Tribunal a copy of Government order dated 31.08.2024. Same is taken on record and marked as document "X" for identification. On perusal of the same, it appears that the applicant is now posted as Taluka Health Officer, Mantha, Dist. Jalna. It is not out of place to mention here that the applicant has sought leave from this Tribunal to submit fresh representation before the respondent authorities by giving two options i.e. (i) Taluka Health Officer, Mantha and (ii) Municipal Council, Jalna, which are presently vacant. Leave granted and accordingly, the applicant has submitted representation.

3. It appears from the said order dated 31.08.2024 that the respondent authorities have

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O.A. No. 492/2023

posted the applicant at the place of his choice as Taluka Health Officer, Mantha, Dist. Jalna. In view of the same, nothing survives for consideration in the present Original Application. The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 13.09.2024

ORIGINAL APPLICATION NO. 734 OF 2023
(Girish Sitaram Visave Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Shri Y.K. Bobade, learned counsel for the applicant (**Absent**).

Heard Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri Asif Ali, learned counsel holding for Smt. M.N. Ansari, learned counsel for respondent No. 4.

2. None present for the applicant. The applicant and his counsel remained absent on last several dates. Learned counsel for respondent No. 4 and learned Presenting Officer are ready to work out the matter. It appears that the applicant is not interested in prosecuting the present matter. The Original Application is accordingly dismissed in default. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 1084 OF 2024
(Dr. Darshana Tukaram Dhonde Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

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

2. The present Original Application is disposed of finally with the consent of both the sides.

3. Learned counsel for the applicant submits that purpose of filing of the present Original Application will be served, if the directions are given to respondent No. 1 to decide the application/representation submitted by the applicant on 11.09.2024 (Annexure A-4) in a time bound manner.

4. Learned Presenting Officer submits that the respondent No. 1 may be given liberty to decide the said representation on its own merits.

5. It appears that the applicant, who is serving as Anaesthesiologist, transferred in the Annual General Transfers of the year 2024 in the Tribal area, when the applicant has already crossed the age of 50

//2// O.A. No. 1084/2024

years. Further the applicant has also raised some health issues of her husband and mother-in-law and also about the educational aspect of her daughter.

6. In view of above, this Tribunal expect and hope that the respondent No. 1 will consider and decide the said representation in its proper perspective on its own merits. Hence, the following order :-

ORDER

- (i) The Original Application is hereby partly allowed.
- (ii) The respondent No. 1 is hereby directed to decide the application / representation submitted by the applicant on 11.09.2024 (Annexure A-4) as expeditiously as possible and preferably within a period of six weeks from the date of this order on its own merits.
- (iii) The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 900 OF 2023
(Ankush Tarachand Patil Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Heard Shri B.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. The present Original Application is disposed of with the consent of both the sides.

3. Shri S.P. Sartale, learned counsel for respondent No. 5, is absent. Even respondent No. 5 has not bothered to file any affidavit in reply.

4. In response to the advertisement published by respondent No. 3 on 13.07.2023 for the post of Police Patil in Jalgaon district, the applicant has applied for the post of Police Patil of village Balad, Tq. Pachora, Dist. Jalgaon. Thereafter the written examination was held and the applicant has obtained 53 marks out of 80. It further appears that on 17.08.2023 and 21.08.2023, the respondent No. 3 has issued call letters for documents verification and oral examination.

//2//

O.A. No. 900/2023

5. It is the specific case of the applicant that thereafter the select list came to be published and surprisingly, the name of another person i.e. respondent No. 5 herein is shown as selected candidate for the post of Police Patil. The applicant has therefore applied for certain documents under the provisions of Right to Information Act to know as to why his candidature was not considered. On the basis of information received, the applicant came to know that the selection committee has not considered the District and State level participation in the Karate sports and consequently the applicant was not allotted the marks in connection with those sports, though the applicant has submitted sports certificates in this regard.

6. It appears that the document verification committee consisting of four members i.e. Naib Tahsildar, Block Development Officer, District Sports Officer and Project Officer, Women and Child Development in terms of order passed by the respondent No. 3 i.e. the Sub Divisional Officer, Pachora on 14.08.2023. It further appears from the verification sheet in connection with the applicant's application at page No. 47 of paper book, there is a

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O.A. No. 900/2023

remark to the effect that so far as his district level participation is concerned, the same is not valid. However, at Sr. No. 18 it has been specifically mentioned that the applicant has submitted sports certificate for his participation in the State Level Competition. However, there is no remark to the extent of Sr. No. 18 of the said verification sheet whether it is valid or not valid. It appears that the applicant has not been given the marks for sports participation. It further appears that the applicant has not approached the Sub-Divisional Officer, Pachora to redress his grievance and directly approached this Tribunal by filing the present Original Application. The respondent No. 3 is the appropriate authority to consider the grievance of the applicant and pass appropriate order. It is needless to state here that the person aggrieved always at liberty to approach this Tribunal. Hence, the following order :-

ORDER

- (i) The Original Application is hereby partly allowed.
- (ii) The applicant is hereby directed to file an appropriate application within one week from the date of this order before respondent No. 3

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O.A. No. 900/2023

i.e. the Sub Divisional Officer, Pachora, Dist. Jalgaon and upon filing of the same, the respondent No. 3 i.e. the Sub Divisional Officer, Pachora, Dist. Jalgaon shall consider the same on its own merits as expeditiously as possible and preferably within a period of four weeks thereafter by giving an opportunity of being heard to respondent No. 5 herein.

- (iii) In case, any adverse order is passed against the applicant, the applicant would be at liberty to approach this Tribunal.
- (iv) The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

C.P.NO. 76/2024 IN O.A.NO. 608/2021
(Pawansing R. Bighot Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue simple notice to respondent No. 2 only, returnable on 14.10.2024.

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 14.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 67 OF 2024

(Vinod Uttamrao Jadhav & Anr. Vs. The State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri A.S. Bayas, learned counsel for respondent No. 4, are present.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 20.09.2024 for hearing. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 13.09.2024-HDD

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

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

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. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 01.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 13.09.2024-HDD

ORIGINAL APPLICATION NO. 459 OF 2024
(Dr. Atul N. Chandramore Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 03.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 13.09.2024-HDD

ORIGINAL APPLICATION NO. 576 OF 2024
(Surekha Shivaji Bhalashankar Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Shri Sanjay Pagare, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

Shri A.S. Shelke, learned counsel for respondent No. 3 (**absent**).

2. In the present matter learned Chief Presenting Officer has filed transfer application before the Principal Seat of this Tribunal at Mumbai. The progress in the said matter is not reported.

3. S.O. to 26.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 13.09.2024-HDD

ORIGINAL APPLICATION NO. 880 OF 2024
(Gaurav Govinda Patil Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

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

2. When the present matter is taken up for consideration, learned counsel appearing for the applicant submits that the applicant is desiring to pursue the request made in the application with the authorities. In the circumstances, leave is sought to withdraw the present Original Application. Hence, the following order is passed:-

ORDER

The Original Application stands disposed of since withdrawn. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 776 OF 2024
(Vyankat Sayyanna Thakke & Ors. Vs. The State of Maharashtra
& Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Heard Shri S.R. Barlinge, learned counsel for the applicants, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri I.S. Thorat, learned counsel for respondent Nos. 4, 6 to 16.

2. Learned counsel for the applicants has filed additional affidavit and the same is taken on record and copy thereof has been served on the other side. Learned Presenting Officer has also filed affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and copy thereof has served on the other side.

3. Shri I.S. Thorat, learned counsel appearing for respondent Nos. 4 & 6 to 16 has also filed affidavit in reply on behalf of the said respondents and the same is taken on record and copy thereof has been served on the other side.

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O. A. NO. 776/2024

4. List the matter for hearing on 09.10.2024. Appearance of Shri I.S. Thorat, learned counsel appearing for respondent Nos. 4 & 6 to 16 be recorded on the board henceforth.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 13.09.2024-HDD

ORIGINAL APPLICATION NO. 678 OF 2022
(Chandrakant Ramesh Shrawane Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

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

2. List the matter for hearing on 11.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 13.09.2024-HDD

ORIGINAL APPLICATION NO. 842 OF 2024

(Anand Babanrao Rupnar & Ors. Vs. The State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicants, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Ajay S. Deshpande, learned counsel for respondent No. 8, Shri Avinash S. Deshmukh, learned counsel for respondent Nos. 9 & 12 and Shri K.B. Bhise, learned counsel holding for Shri J.B. Choudhary, learned counsel for respondent No. 11, are present.

2. Learned Chief Presenting Officer submits that the para-wise reply is received and it is finalized also. However, the officer who has to swear said affidavit is not available today. He submits that endeavor will be made to file it on 20.09.2024. Time granted till then.

3. Shri K.B. Bhise, learned counsel holding for Shri J.B. Choudary, learned counsel appearing for

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O.A. NO. 842/2024

respondent No. 11 submits that the affidavit in reply on behalf of the said respondent will also be filed by 20.09.2024. Shri Avinash S. Deshmukh, learned counsel appearing for respondent Nos. 9 & 12 also submits that the reply on behalf of the said respondents will be filed on 20.09.2024.

4. In view of above, S.O. to 20.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 13.09.2024-HDD

M.A.NO. 357/2023 IN O.A.NO. 06/2023
(State of Maharashtra & Ors. Vs. Pandurang G. Lomole)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the applicants in M.A./respondent authorities in O.A. and Shri V.B. Wagh, learned counsel for respondent in M.A./applicant in O.A., are present.

2. S.O. to 03.10.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 13.09.2024-HDD

ORIGINAL APPLICATION NO. 958 OF 2023
(Afroj Taimurkhan Pathan Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Arguments of both sides are heard at length.
Reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 13.09.2024-HDD

M.A.NO. 451/2024 IN O.A.NO. 1088/2024
(Vaishali Ashok Gandal & Ors. Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Heard Shri Vishnu Y. Patil, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

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

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

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1088 OF 2024

1. **Vaishali Ashok Gandal .**
2. **Ravi David Ghorpade**
3. **Prakash Dagdu Rathod**
4. **Shankar Baburao Rajale**
5. **Vinod Ulhasrao Kude**

V E R S U S

The State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Heard Shri Vishnu Y. Patil, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants undertakes to remove the office objections.

3. The grievance of the applicants is that they are held ineligible to be considered for the promotion to the post of Reserved Police Sub-Inspector (RSI) on the ground that they do not have an experience of working on the post of Hawaldar for 04 years. It is the case of the applicants that all of them after having worked on the post of Police Constable for few years were deputed in Police Training School (PTS) by giving one step

Promotion. In the PTS all the applicants have worked for the period of more than 04 years and thereafter have been repatriated to their parent department and in the parent department they have been promoted to the post of Hawalar. Experience if considered from the said date falls short to 04 years, but if the work done by the applicants in PTS on the post of Head Constable is taken into account, it satisfied the requirement.

4. Learned counsel has relied upon the judgment delivered by the Nagpur Bench of this Tribunal in O.A. Nos. 432 to 434, 440 and 442 all of 2010 decided on 13.03.2012, wherein the Tribunal has held the applicants therein eligible for to be considered for the post of RSI. Learned counsel submits that on 20th September, 2024 the written examination is scheduled for the promotion of the aforesaid post. Learned counsel in the circumstances has prayed for interim relief, thereby directing the respondents to allow the present applicants to appear for the said examination.

5. Learned Chief Presenting Officer has opposed for grant of any such relief. It is submitted that the period of working on the post of Head Constable is to be considered in the parent department and applying the said criteria none of the applicant has completed the period of 04 years. Learned C.P.O. in the circumstances,

has prayed for rejecting the prayer made by the applicants in the present O.A.

6. We have duly considered the submissions made by learned counsel appearing for the applicants and learned Chief Presenting Officer appearing for the respondent authorities. We have also gone through the judgment relied upon by the learned counsel for the applicants. Perusal of the judgment delivered by the Nagpur Bench of this Tribunal reveals that in similar circumstances the Nagpur Bench had held the applicants therein and similarly situated candidates eligible for consideration of the promotion to the next higher post. In view of the said judgment the applicants have certainly made out a *prima facie* case. In the circumstances, we are inclined to pass the following order: -

ORDER

(i) Issue notice to the respondents, returnable on 10.10.2024. **Subject to outcome of the present Original Application the respondents shall permit the applicants in the present O.A. to appear for the examination to be held on 20th September, 2024.**

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

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

(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. Applicants are directed to file affidavit of compliance and notice.

(vi) S.O. to 10.10.2024.

(vii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 458/2024 IN O.A.NO. 1096/2024
(Gajanan Manikrao Ghule & Ors. Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 13.09.2024

ORAL ORDER :

Heard Shri Vishnu Y. Patil, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

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

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

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1096 OF 2024

- 1. Gajanan Manikrao Ghule**
- 2. Santosh Bhujangrao Mante**
- 3. Girish Sitaram Shingane**
- 4. Sanjay Ram Hinge**
- 5. Balasaheb Ramchandra Gadekar**

V E R S U S

The State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 13.09.2024

ORAL ORDER :

Heard Shri Vishnu Y. Patil, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants undertakes to remove the office objections.

3. It is the case of the applicants that though all of them have worked on the post of Police Head Constable for the period of more than 04 years they have been wrongly held ineligible for to be considered for the post of Reserved Police Sub-Inspector (RSI). Learned counsel submits that in the similar facts and circumstances the Nagpur Bench of this Tribunal in O.A. Nos. 432 to 434, 440 and 442 all of 2010 decided on 13.03.2012, has

directed the respondents to consider the period in which the applicants therein worked on the post of Head Constable even in the period of deputation. In the similar circumstances, this Tribunal has also relying on the orders passed by the Nagpur Bench of this Tribunal granted interim relief in favour of some of the applicants.

4. Learned Presenting Officer has however, opposed for granting any interim relief stating that the period on the deputation is not liable to be considered and the applicants were expected to have worked for more than 04 years after their regular appointment on the post of Head Constable.

5. *Prima facie* there appears substance in the contentions raised on behalf of the applicants. Moreover, coordinate Bench of this Tribunal on 13.03.2012 has granted interim relief. In the circumstances, we are inclined to pass the following order: -

ORDER

(i) Issue notice to respondents, returnable on 10.10.2024. **Subject to outcome of the present Original Application the respondents shall permit the applicants in the present O.A. to appear for the examination to be held on 20th September, 2024.**

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

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

(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. Applicants are directed to file affidavit of compliance and notice.

(vi) S.O. to 10.10.2024.

(vii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

T.A.NO.25/2024 (W.P.NO.6400/2024)
(Pravin A. Bhadak Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 13.09.2024

ORAL ORDER :

Heard Shri Sanket N. Suryawanshi, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 23.09.2024.

VICE CHAIRMAN

ORAL ORDER 13.09.2024-HDD (yuk)

M.A. No. 425/2023 in O.A. St. No. 1366/2023
(Gambhir Khandu Mangale Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Heard Shri S.A. Raut, learned counsel holding for Shri N.L. Choudhary, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer submits that copy of the present Misc. Application seeking condonation of delay is not received. The applicant is 73 years old and there is a delay of 39 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that delay caused in filing Original Application is neither intentional nor deliberate. Learned counsel submits that initially the applicant had approached to the Hon'ble High Court of Bombay Bench at Aurangabad by filing W.P. No. 7057/2023. The applicant has thereafter realized that the alternate remedy is available to him of filing Original Application before this Tribunal and therefore, with liberty to approach this Tribunal, the applicant has withdrawn the said W.P. The order passed by Hon'ble High Court of Bombay, Bench at Aurangabad in the said W.P. No.

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MA 425/2023 in
O.A St. 1366/2023

7057/2023 dated 27.06.2023 is annexed to the present Misc. Application. Thus considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying O.A., which is 39 days.

4. In view of the same and for the reasons stated in the application, M.A. No. 425/2023 is hereby allowed. The delay of 39 days caused in filing the accompanying Original Application is hereby condoned.

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

6. The M.A. No. 425/2023 is accordingly disposed of. No order as to costs.

MEMBER (J)

O.A. St. No. 1366/2023

(Gambhir Khandu Mangale Vs. State of Maharashtra & Ors.)

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

DATE : 13.09.2024

ORAL ORDER :

Heard Shri S.A. Raut, learned counsel holding for Shri N.L. Choudhary, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities.

2. Upon registration, issue notices to respondents, returnable on 20.11.2024.

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 20.11.2024.

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

MEMBER (J)