

ORIGINAL APPLICATION NO.98/2019

(Pandurang M. Chandanshiv Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

1. O.A.No.98/2019 was listed for hearing today. However, record of O.A.No.719/2016 too was called for as it was noticed on 26-07-2021 that the applicant had filed the O.A.No.98/2019 without pursuing O.A.No.719/2016. The fact was revealed on perusal of affidavit in reply filed by respondent no.3 in O.A.No.98/2019. The issue of multiple proceedings relating to post retirement benefits of the applicant was further examined on 29-07-2021 and 23-08-2021 and oral order was passed on 23-08-2021 ordering the applicant and respondents to file affidavit mentioning rationale of pursuing the parallel proceeding based on same facts and cause of action.

2. In the above background, heard Shri V.B.Wagh, learned Advocate for the Applicant in both cases and Smt. M.S.Patni, learned Presenting Officer for the Respondent nos.1 & 2 in O.A.No.98/2019 and for respondent nos.1 to 3 in O.A.No.719/2016 and Shri V.M.Chate learned Advocate for respondent no.3 in O.A.No.98/2019 and for respondent nos.4 and 5 in O.A.No.719/2016.

3. Learned Advocate for the applicant submitted a letter written by the applicant in O.A.No.719/2016 dated 23-08-2021 and addressed to his Advocate requesting for

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O.A.Nos.98/2019

withdrawal of O.A.No.719/2016. Learned Advocate for applicant requests for allowing withdrawal of O.A.No.719/2016. However, as the O.A.No.719/2016 was not on board today, the matter was kept pending.

4. Another letter dated 18-08-2021 purportedly written by the applicant addressed to Chief Executive Officer, Zilla Parishad, Beed asking for arrears of pay difference for the period 01-01-1986 to 31-12-2012 was also submitted by learned Advocate of the applicant. Learned Advocate for the applicant states that if direction is given to the respondent no.3 in O.A.No.98/2019 to decide the representation and release pay and arrears that may suffice.

5. Since O.A.No.719/2016 is not on today's board and as circulation is also not obtained for taking the said matter on board in compliance of the order of Hon'ble High Court of Judicature at Bombay Bench at Aurangabad dated 19-11-2018 still proceeding by filing O.A.No.98/2019 has been initiated and proceeded with. Further course of action in respect of O.A.No.719/2016 will be decided in due course.

6. O.A.No.98/2019 is closed for passing order.

MEMBER (A)

ORIGINAL APPLICATION NO.506/2021
(Ranjana Barde Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Advocate for the Applicant and Shri B.S.Deokar, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 22-10-2021.

MEMBER (A)

M.A.NO.317/2021 IN O.A.NO.407/2021
(Aziz Immam Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri U.M.Maske learned Advocate holding for Shri G.L.Deshpande, learned Advocate for the Applicant and Smt. M.S.Patni, learned Presenting Officer for the Respondents.

2. By filing the present M.A. learned Advocate for the applicant prays for leave to amend the O.A. to the extent of addition of Secretary, State of Maharashtra, Public Works Department, Mantralaya, Mumbai as party respondent. Leave as prayed for is granted.

3. Learned Advocate for the applicant shall carry out the amendment within a week and add party respondent No.4 as above. M.A.No.317/2021 stands disposed of with no order as to costs.

MEMBER (A)

ORIGINAL APPLICATION NO.407/2021
(Aziz Immam Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri U.M.Maske learned Advocate holding for Shri G.L.Deshpande, learned Advocate for the Applicant and Smt. M.S.Patni, learned Presenting Officer for the Respondents.

2. After amendment is carried out in O.A. of adding party respondent no.4, issue notice to the added respondent No.4, returnable on 28-10-2021.

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

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

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

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O.A.No.407/2021

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 28.10.2021.

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

MEMBER (A)

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**ORIGINAL APPLICATION NO. 29 OF 2020
(Shaikh Akhtar Hussain Mohd. Hanif Vs. State of
Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply.

3. S.O. to 27.10.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 153 OF 2020
(Sagar W. Sonavane Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

Shri D.M. Pawar, learned Advocate for the applicant (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The notices are not collected by the applicant.

3. As none present for the applicant, S.O. to 28.10.2021.

MEMBER (J)

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

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

DATE : 01.10.2021

ORAL ORDER :

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

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

3. S.O. to 28.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 190 OF 2021
(Pratibha M. Bankar Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri R.M. Jade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 & 2. Smt. Manjushri V. Narwade, learned Advocate for respondent Nos. 3 to 5, **absent.**

2. 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 and 2.

3. S.O. to 26.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 505 OF 2021
(Bhaskar V. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Shri G.N. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate Shri S.S. Ware, has filed **VAKILPATRA** on behalf of respondent No. 4. Same is taken on record.

3. Await service of notice on the respondent Nos. 1 to 3.

3. S.O. to 29.10.2021.

MEMBER (J)

**M.A. No. 06/2021 in O.A. St. No. 1419/2020
(Vijay R. Bangar Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 28.10.2021 for filing rejoinder affidavit, if any.

MEMBER (J)

**M.A. No. 07/2021 in O.A. St. No. 1416/2020
(Chandrasen V. Lahade Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, time is granted as a last chance for filing affidavit in reply in M.A.

3. S.O. to 28.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 526 OF 2021
(Vilas M. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 12.10.2021.

MEMBER (J)

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

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

DATE : 01.10.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 13.10.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 593 OF 2021
(Gajanan P. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 14.10.2021.

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 621 OF 2021
(Bhimrao S. Bilapatte Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

Shri M.L. Muthal, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 22.10.2021.

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 707 OF 2021
(Abhay D. Maske Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

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

2. There is office objection that the applicant has not exhausted the remedy available to him before approaching this Tribunal.

3. In this regard, learned Advocate for the applicant submits that he would like to amend the present Original Application in respect of said office objection and therefore, he seeks leave of this Tribunal to amend the O.A.

4. Leave as prayed for by the applicant is granted. The applicant shall amend the O.A. on or before the next date of hearing.

5. S.O. to 14.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 1082 OF 2019
(Naresh W. Sakpal Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri L.V. Sangit, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request and by the consent of both the sides, S.O. to 07.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 99 OF 2021
(Shrikant V. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri V.M. Maney, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy thereof has been served on the other side.

3. Learned Presenting Officer submits that as regards the payment of subsistence allowances to be paid to the applicant, necessary pleadings are raised in the above affidavit in reply of respondent No. 3.

4. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 2. Time granted.

5. S.O. to 25.10.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 252 OF 2020
(Harikishan D. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent No. 4. Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 1 to 3, **absent.**

2. At the request and by consent of both the sides, S.O. to 20.10.2021.

MEMBER (J)

**O.A. Nos. 583/2019, 602/2019, 619/2019 & 620/2019
(Bhaskar D. Baviskar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicants in all these O.As. and Shri B.S. Deokar & Smt. M.S. Patni, learned Presenting Officers for the respective respondents in respective O.As.

2. At the request and by consent of both the sides, S.O. to 26.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 431 OF 2019
(Ashabai M. Suradkar Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 5. Shri P.B. Paithankar, learned Advocate for respondent No. 6, **absent.**

2. At the request and by consent of both the sides, S.O. to 26.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 697 OF 2019
(Shobha B. Khade Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 27.10.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 369 OF 2020
(Uttam G. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 28.10.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 543 OF 2021
(Sanjay G. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

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

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

3. Learned Advocate for the applicant submits that after the impugned order of transfer of the applicant dated 06.08.2021 (Annexure A-7) issued by the respondent No. 2, the applicant made representation dated 14.09.2021 (Annexure A-10) to the respondent No. 2 seeking to consider the modification of the transfer order on the ground of couple convenience, as his wife is working in Police Department at High Court Security Branch at Aurangabad. By the impugned order of transfer, the applicant has been transferred from Aurangabad to Gangapur, Dist. Aurangabad. Learned Advocate for the applicant submits that the respondent No. 2 may be directed to consider his said representation dated 14.09.2021 (Annexure A-10) on its own merits.

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O.A. No. 543/2021

4. Record shows that the respondents have not file affidavit in reply. In the circumstances, it would be just and proper to direct the respondent No. 2 to consider and decide the representation of the applicant dated 14.09.2021 (Annexure A-10) on its own merits. It is ordered accordingly.

5. Time is granted to the respondents for filing affidavit in reply.

6. S.O. to 26.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.582 OF 2020
(Muktar Fakira Tadvi Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

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

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

3. S.O. to 23.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.141 OF 2021
(Shubham A. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of the respondent Nos.1 to 3 is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder, if any.

4. S.O. to 16.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.165 OF 2021
(Anil Y. Rokade Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent No.1. Shri Shamsundar B. Patil, learned Advocate for the respondent Nos.2 & 3 is **absent**.

2. The Advocate for the applicant submits that the applicant does not wish to file affidavit-in-rejoinder to the affidavit-in-reply filed by the respondents.

3. S.O. to 23.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.233 OF 2021
(Balasaheb K. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri Promod A. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, time is granted for filing service affidavit.
3. S.O. to 24.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.234 OF 2021
(Rameshwar E. Chadidar Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri Promod A. Kulkarni, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, time is granted for filing service affidavit.
3. S.O. to 24.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.308 OF 2021
(Nita B. Magre Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Shri Santosh S. Jadhavar, learned Advocate for the applicant is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply by the respondents.
3. S.O. to 25.11.2021.

MEMBER (A)

MEMBER (J)

Later On:-

Heard Shri P.G. Tambade, learned Advocate holding for Shri S. S. Jadhavar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue fresh notice to the respondent no.1, returnable on 25.11.2021.

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O.A.308/2021

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 25.11.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter is placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.473 OF 2021
(Manisha S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit-in-reply by the respondents.

3. S.O. to 25.11.2021.

MEMBER (A)

MEMBER (J)

M.A.NO.333 OF 2020 IN O.A.NO.797 OF 2016
(Gaurav A. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri C.V. Thombre, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply by the respondents in M.A.

3. S.O. to 16.11.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.177 OF 2021 IN O.A.ST.NO.724 OF 2021
(Raosaheb B. Gunjal Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

Shri Avinash S. Khedkar, learned Advocate for the applicant and Shri Shamsundar B. Patil, learned Advocate for the respondent Nos.3 to 5 are **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondent Nos.1 & 2.

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

3. S.O. to 24.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.405 OF 2021
(Dinesh N. Karande Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 28.10.2021.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A.405/2021

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 28.10.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter is placed on separate board.

MEMBER (A)

MEMBER (J)

C.P.NO.36 OF 2019 IN O.A.NO.229 OF 2015
(Dr. Bhaskar S. Borgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Record shows that affidavit-in-reply of respondent Nos.1 & 3 is already on record.

3. Learned Advocate for the applicant seeks time for filing affidavit-in-rejoinder, if any. Time is granted.

4. At the request of learned P.O., short time is granted for filing affidavit-in-reply on behalf of the respondent No.2.

5. S.O. to 18.10.2021.

MEMBER (A)

MEMBER (J)

C.P.NO.37 OF 2019 IN O.A.NO.230 OF 2015
(Dr. Dilip R. Tandale Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of the respondent no.3 is taken on record and copy thereof has been served on the other side.

3. Learned Advocate for the applicant seeks time for filing affidavit-in-rejoinder, if any. Time is granted.

4. At the request of learned P.O., short time is granted for filing affidavit-in-reply on behalf of the respondent No.2.

5. S.O. to 18.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.959 OF 2019
(Rahul D. Sathe Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply of respondent Nos.1 & 3 is already on record.

3. Record further shows that the Misc. Application No.554 of 2019 was preferred by the applicant in this Original Application for interim relief. By order dated 20.11.2019, the said Misc. Application No.554/2019 was disposed of by rejecting the prayer for interim relief. Against this order, the applicant preferred the Writ Petition No.8083 of 2021 before the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad. By order dated 12.08.2021, the said Writ Peition No.8083/2021 is disposed of with the observations that considering the grievance made, we expect that Tribunal will deal with the issue expeditiously.

//2//

O.A.959/2019

4. In view of same, hearing of this Original Application is expedited.
5. At the request of learned Advocate for the applicant, short time is granted for filing affidavit-in-rejoinder, if any.
6. S.O. to 25.10.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.325 OF 2019 IN O.A.ST.NO.1389 OF 2019
(Sukhdeo R. Solankar Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

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

2. It is the case of the applicant that he was selected through Open category though he belongs to Nomadic Tribe (N.T.) Category.

3. The applicant, however, has not produced any documents to show that he had applied for the post through open category.

4. Learned P.O. for the respondents submits that he would produce necessary record in that regard and therefore, he seeks time. Time is granted.

5. S.O. to 15.11.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.453 OF 2019 IN O.A.ST.NO.1700 OF 2019
(Tambe S. Govind Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri Taher Ali Kadare, learned Advocate holding for Shri Zia-UI Mustafa, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By this Misc. Application the applicant is seeking condonation of delay of about 381 days. The accompanying Original Application is filed challenging the communication dated 31.05.2017 (Exh. 'G') issued by the respondent no.2 whereby the representation of the applicant dated 07.03.2017 (Exh. 'F') seeking employment from the Freedom Fighter quota was rejected. The Original Application is filed on or about 26.08.2019.

3. It is the contention of the applicant that he received the copy of impugned communication only on 13.03.2018.

4. Perusal of the affidavit-in-reply would show that the impugned order does not contain any proof that the applicant received impugned order/communication before that date i.e. 13.03.2018.

//2// M.A.453/2019 In
O.A.St.No.1700/2019

5. In view of same, limitation would start from 13.03.2018. It is material to note that the applicant preferred the Writ Petition No.3671/2019 before the Hon'ble High Court of Judicature at Bombay bench at Aurangabad challenging the impugned communication dated 31.05.2017 seeking appropriate relief within limitation period on or about 8.03.2019. The said Writ Petition is disposed of by order dated 22.07.2019 observing that the applicant has an alternate remedy. Accordingly, the applicant has filed the present Original Application on 26.08.2019.

6. Learned Advocate for the applicant submits that the period lapsed during the process of pursuing the case before the Hon'ble High Court is required to be deducted for counting the period of limitation as per the provisions of Section 14 of Limitation Act.

7. Learned P.O. for the respondents opposes to condone the delay stating that the delay is not calculated properly.

8. We find substance in the said contention raised on behalf of the applicant. Considering the deduction of said period, there would be hardly any delay in presenting the Original Application.

//3// M.A.453/2019 In
O.A.St.No.1700/2019

9. The said delay is marginal. It is settled legal principle that expression 'sufficient cause' is to be construed liberally. In view of same, it is a fit case to condone the marginal delay caused for filing the O.A. and thereby give permission to the applicant to proceed with the O.A.

ORDER

- (a) Accordingly, M.A.453/2019 is allowed.
- (b) The delay caused for filing the Original Application is hereby condoned.
- (c) Accordingly, O.A. be registered and numbered after removal of office objections, if any.
- (d) No order as to costs.

MEMBER (A)

MEMBER (J)

M.A.NO.276 OF 2021 IN O.A.NO.614 OF 2018
(Dr. Minakshi B. Patahk Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos.1 to 3. Shri Rahul Pawar, learned Advocate for the respondent Nos.4 & 5 is **absent**.

2. This Misc. Application is filed for seeking amendment in the Original Application bringing on record the subsequent development.

3. The Applicant was working as Medical Officer. She stood retired on superannuation on attaining the age of 58 years on 30.06.2018. Before her retirement, he had received order/notice dated 14.05.218 (wrongly typed as 14.05.2015) issued by the respondent no.5 directing to retire the present application on attaining the age of superannuation w.e.f. 30.06.2018.

4. The applicant filed the Original Application in the month of August, 2018 i.e. after retirement, challenging the said order/notice dated 14.05.2018 and also seeking to declare that the applicant is entitled for the continuation of service on the post of Medical Officer till the age of 60

//2// M.A.276/2021 In
O.A.614/2018

pursuant to the Government decision dated 30.05.2015, 30.06.2015 and 30.09.2015.

5. In the said Original Application, the application also sought interim relief in terms of prayer clause 20(a) regarding order/notice dated 14.05.2018 by way of stay. This Tribunal vide order dated 13.08.2018, granted interim relief.

6. However, despite of said interim relief, the applicant was not allowed to resume her duty in terms of said interim relief.

7. It is the contention of the applicant that during pendency of the said Original Application, the applicant completed the age of 60 years on 30.06.2020. The applicant has received the pensionary benefits. However, her added two years length of service is not considered for calculating the pension. The pension is granted considering her date of retirement being 30.06.2018 and not being 30.06.2020. In view of same, the applicant seeks to bring on record subsequent development.

8. Learned P.O. for the respondents opposes amendment in the Original Application.

9. After having considered the facts on record, prima-facie, it appears that the applicant is seeking to bring on

//3// M.A.276/2021 In
O.A.614/2018

record subsequent event based on contention raised by her in the Original Application.

10. Considering the above-said facts, in the circumstances, we are of the opinion that the proposed amendment is necessary to determine the real controversy between the parties and the proposed amendment is not going to change the nature of proceedings.

11. In view of above, in the result, the Misc. Application No.276/2021 is allowed. The applicant to carry out amendment within a period of two weeks and amended copy be served upon the respondents. No order as to costs.

MEMBER (A)

MEMBER (J)

M.A.NO.291 OF 2021 IN O.A.NO.657 OF 2018
(Ayesha Feroz Khan Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri Niranjana Deshpande, learned Advocate holding for Shri Milind Deshpande, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By this Misc. Application the applicant is seeking expeditious hearing of the Original Application.

3. Record shows that after completion of pleadings, the Original Application is admitted and fixed for final hearing as per order dated 02.03.2020.

4. However, thereafter, there is no progress in the matter due to pandemic situation. The present Original Application is of year 2018. It is stated that the applicant is not getting complete pensionary benefit as she has been compulsorily retired.

5. In view of same, hearing of the Original Application is expedited. But taking into account the other priority matters being already fixed for final hearing, the hearing of present O.A will take place.

//2//

M.A.291/2021 In
O.A.657/2018

6. Accordingly, the Misc. Application is allowed. The Original Application be placed on board on 17.11.2021 for final hearing. No order as to costs.

MEMBER (A)

MEMBER (J)

**M.A.NO. 249/2019 IN O.A.ST.NO. 1026/2019
(Madhukar K. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORDER

This Miscellaneous Application is filed by the applicant seeking condonation of delay of about 11 months for filing accompanying Original Application seeking relief of refund of amount of Rs. 84,071/- together with interest alleging that the said amount was recovered by the respondent No. 3 at the behest of respondent No. 4 under the garb of excess payment.

2. The applicant was appointed as Forest Guard on or about 23.3.1983. Upon completion of 12 years of service, the applicant was granted first time bound promotion w.e.f. 1.10.1994 and second time bound promotion w.e.f. 31.12.2007. Accordingly, upon granting first time bound promotion the applicant was placed in sanctioned pay scale of Rs. 9300-34800 + G.P. 4400. Upon second time bound promotion, he was granted pay scale of Rs. 16100 including grade pay.

3. Upon attainment of age of superannuation the applicant retired on 28.2.2017. However, later on, the respondent No. 3 vide letter dated 15.5.2017 communicated that the amount of Rs. 84,071/- was paid to the applicant in excess on account of wrong fixation of pay before

31.12.2007. In view of that the respondent No. 4 - the Accountant General, Nagpur by order dated 29.6.2017 directed the respondent No. 3 to recover the said amount from the pensionary benefits of the applicant. Consequently, respondent No. 5 - the Treasury Officer, Hingoli, deducted the said amount from the pensionary benefits of the applicant. In view of the same, accompanying Original Application is filed by the applicant seeking refund of the said amount and challenging the impugned order dated 29.6.2017 issued by respondent No. 4 and consequential recovery order dated 14.7.2017 issued by respondent No. 3 about recovery of the amount of Rs. 84,071/-. However, there is delay of about 11 months for filing the accompanying Original Application.

4. According to the applicant, the delay is caused due to old age illness of the applicant. The applicant was taking medical treatment for his illness. Hence, he seeks condonation of delay.

5. Affidavit in reply is filed on behalf of the respondent Nos. 1 to 3 by Deepak Prabhakar Chaundekar, Assistant Conservator of Forests, Social Forestry Division, Hingoli, District Hingoli. He has denied the reasons stated by the applicant stating that it is not satisfactory. The applicant is required to explain day to day delay.

6. I have heard the arguments advanced by Shri Vivek G. Pingle, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

7. The accompanying Original Application is filed by the applicant challenging the recovery of excess amount of Rs. 84,071/- and refund thereof stating that the excess amount was paid on account of wrong pay fixation and not on the misrepresentation or fraud committed by the applicant. The delay is of about 11 months. The delay said to have been caused due to old age illness of the applicant. To substantiate the reason of his old age illness, he produced on record medical papers at Exhibit 'A-1' collectively. It shows that during the relevant period, the applicant was taking medical treatment.

8. The relief sought to be claimed by the applicant in the accompanying O.A. is monetary relief and thereby it cannot be said that by the said relief he would be affecting rights of any other Government servants. The applicant is claiming relief of personal nature. No doubt, some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, the said negligence cannot be said to be gross or deliberate one. By approaching the Tribunal belatedly the applicant had nothing to gain. It is a settled principle of law that expression "sufficient cause" is to be construed liberally. Considering the nature of relief sought

for by the applicant in the accompanying O.A. it can be said that the applicant has fairly got case on merits. In view of the same, fair opportunity should be given to the applicant to agitate his right. In the circumstances, in my opinion this is a fit case to condone the delay by construing expression "sufficient cause" liberally. Hence, I proceed to pass the following order: -

ORDER

The Miscellaneous Application No. 249/2019 is allowed and disposed of.

(ii) The delay of about 11 months caused in filing accompanying O.A. is hereby condoned, subject to payment of costs of Rs. 500/- The said amount of costs shall be deposited in the registry of this Tribunal.

(iii) The accompanying O.A. be registered and numbered in accordance with law by taking into consideration office objection/s, if any.

MEMBER (J)

M.A.NO. 299/2021 IN O.A.NO. 422/2020
(Nilesh R. Tagad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

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

2. In the Original Application the applicants have prayed for directing the respondents to allow the candidates who are only having qualification of Diploma in Automobile Engineering or a diploma in Mechanical Engineering (three years course) as per the Central Notification dated 8.3.2019 and cancel the candidature of other candidates who are not qualifying the said minimum eligibility criteria as per the Central Government Notification dated 8.3.2019 in the advertisement No. 2/2020 dated 17.1.2020 and ancillary reliefs.

3. By the present M.A. No. 299/2021 the applicants are seeking amendment in the O.A.

4. It is the contention of the learned Advocate for the applicants that after filing of the O.A. the applicants have participated in the selection process by making application. They appeared for the preliminary examination, which was

held on 15.3.2020. However, the applicants could not secure the essential cut-off marks and, therefore, they are not qualified for main examination. An advertisement for main examination is published on 2.9.2021. As per the said advertisement the main examination is to be conducted on 30.10.2021. Still it is the contention of the applicants that the candidates, who are not having minimum eligibility criteria as per the Central Government Notification dated 8.3.2019 were not entitled for preliminary examination and further are not entitled for main examination, if they are qualified. In the circumstances, the applicants want to bring on record the above subsequent development. In the circumstances, the applicants want that the respondent No. 3 – M.P.S.C. to prepare fresh list of eligible diploma holders for preliminary examination.

5. In the circumstances as above the learned Advocate for the applicants submits that the applicants are not changing the nature of the original proceeding by way of amendment.

6. Learned Chief Presenting Officer for the respondents opposed the amendment application contending that the applicants are seeking to bring on record altogether new case.

7. After having considered the amendment application and proposed amendment, *prima facie*, we find that the applicants are agitating the original cause of action in view of subsequent development. By that in our considered opinion the nature of the original proceeding would not change. *Prima facie*, it cannot be said that the applicants are substituting the original case. In the circumstances, proposed amendment would be necessary to determine the real controversy between the parties and proposed amendment is not going to change the nature of original proceedings. Hence, the present M.A. is allowed. The applicants are permitted to carry out the necessary amendment in the O.A. within a period of one week. The copy of amended O.A. be served on the respondents.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 422 OF 2020
(Nilesh R. Tagad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

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

2. S.O. to 27.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 01.10.2021-HDD

M.A.NO. 314/2021 IN O.A.NO. 555/2021
(Mahendra D. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the respondent Nos. 3 & 4 in the O.A. are at Sr. Nos. 2 & 3 in the seniority list as on 1.1.2020 (part of Annexure 'A-4', page 68). However, the O.A. is filed taking objection to the names at Sr. Nos. 4 & 6 in the said seniority list namely Jaiwant Vishnu Khade & Vaijinath Apparao Balande. In view of the same, learned Advocate for the applicant seeks substitution of their names in place of names of respondent Nos. 3 & 4. In the interest of justice, leave is granted for amendment in the O.A., as well as, in the M.A. The applicant to carry out the necessary amendment in the O.A. within a period of 3 days. The applicant shall serve the amended copy of the O.A. on the respondents.

3. S.O. to 11.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 137 OF 2017
(Namdeo S. Arsale Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 4.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 01.10.2021-HDD

ORIGINAL APPLICATION NO. 537 OF 2019
(Narendra R. Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Ms. Pradnya Talekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 7.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 01.10.2021-HDD

O.A.NO. 30/2018 WITH O.A.NO. 107/2019
(Rohini S. Deokar & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

O.A. NO. 30/2018

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

O.A. NO. 107/2019

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 4 and Shri V.B. Wagh, learned Advocate for respondent No. 5.

2. By consent of both the parties, S.O. to 25.10.2021.

MEMBER (A)

MEMBER (J)

**O.A.NO. 368/2017 WITH O.A.NO. 369/2017
(Bapu R. Lad & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 01.10.2021

ORAL ORDER :

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

2. The present OAs be treated as part heard.
3. S.O. to 13.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 01.10.2021-HDD

ORIGINAL APPLICATION NO. 76 OF 2019
(Nilesh S. Badgujar Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Shri Amol Bhagat, learned Advocate holding for Shri H.V. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 27.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 941 OF 2019
(Dr. Shukracharya G. Dhdhal Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

Heard Ms. Angha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 7.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 01.10.2021-HDD

ORIGINAL APPLICATION NO. 320 OF 2020
(Santosh N. Dhongade Vs. State of Maharashtra & Ors.)

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

DATE : 01.10.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 27.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 01.10.2021-HDD

ORIGINAL APPLICATION NO. 455/2020
(Sahebrao D. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 1.10.2021

ORAL ORDER :

Shri Rhshikesh A. Joshi, learned Advocate has filed application today for speaking to minutes in the order & judgment delivered on yesterday i.e. 30.9.2021 in the present O.A.

2. Learned Advocate for the applicant states that the respondent no. 4 – the District Treasury Officer, Aurangabad – has already effected the recovery against the applicant as ordered in the impugned order dated 11.10.2020. Therefore, the applicant filed M.A. No. 324/2020 before this Tribunal with a prayer to allow the applicant to amend the O.A. to that effect. In view of the leave granted by this Tribunal in the said M.A., the applicant has added prayer clause (B) in the O.A. and prayed for issuance of directions to the respondents to refund an amount of Rs. 1,35,707/- to the applicant.

3. He, however, states that while allowing the O.A. by the order dated 30.9.2021 inadvertently directions

to the respondents to refund the said amount of Rs. 1,35,707/- to the applicant is remained to be mentioned.

3. On going through the record and the amended prayer clause (B) of the O.A., it is just and proper to direct the respondents to refund the recovered amount of Rs. 1,35,707/- to the applicant within a stipulated period failing which, the said amount would carry interest at the prevailing rate. Therefore, I pass the following order :-

ORDER

- (i) The present speaking to minutes application is allowed & disposed of.
- (ii) In the operative part of the order dated 30.9.2021 (on page 10) after clause (ii) following clause no. (iii) be added :-

“(iii) ‘The amount recovered, if any, from the applicant be refunded to him within a period of 03 months from the date of this order, failing which the said amount would carry interest at the prevailing rate.’

::-3-::

O.A. NO. 455/2020

- (iii) Registrar of this Tribunal is directed to insert above clause no. (iii) in the operative part of the order dated 30.9.2021 and issue corrected copies of order to the parties.

MEMBER (J)

Date : 1.10.2021
M.A. 320/2021 IN O.A. ST. 1326/2021
(Smt. Kalpana B. Padwal V/s State of
Maharashtra & Ors.)

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

1. Shri S.S. Ware, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents in M.A., returnable on 17.11.2021. The case be listed for admission hearing on 17.11.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

I/C REGISTRAR

Date : 1.10.2021

O.A. 602/2021

(Pravin N. Nemade V/s State of Maharashtra & Ors.)

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

1. Shri H.V. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on 17.11.2021. The case be listed for admission hearing on 17.11.2021.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

I/C REGISTRAR