

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc.before Hon'ble Single Bench
Before: - THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)*

Date: -08/12/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA20/20	Latur	Adv J M Murkute (Shankar N Kamble)	Transfer	For Filing Affidavit in Rejoinder	24.01.2024
2	OA114/20	Latur	Adv Preeti R Wankhade (Dagdu G Patil)	Recovery/ Pension & Pensionary Benefits	For Filing Affidavit in Rejoinder	24.01.2024
3	OA318/21	Nanded	Adv Amol A Kokad (Prakash M Deshmukh)	Directions Time Bound Promotion & ACPS	One More Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd. 14.12.2022</u>	24.01.2024
4	OA309/21	Jalgaon	Adv Pramod D Patil (Dinesh R Jadhav)	Salary	For Filing Affidavit in Reply	25.01.2024
5	OA364/21	Nanded	Adv.Vikram S Kadam (Vinayak K Kalambkar) <u>Adv.G.N. Patil for R.No.2 & 3</u>	Recovery	For Filing Affidavit in Rejoinder	25.01.2024
6	OA382/21	A'bad	Adv J M Murkute (Shaikh Hafijoddin Hanifoddin Shaikh) <u>Adv A C Deshpande For R-3 & R-4</u>	Posting	Reply Filed By R-1 & R-4	25.01.2024

7	OA454/21	Latur	Adv S K Mathpati (Dipak L Pendkar)	Benefit of G.R	For Filing Affidavit in Rejoinder	24.01.2024
8	OA239/22	Nanded	Adv S D Joshi (Surajkumar M Vanje)	Compassionate Appointment	Reply Filed By R-1 to R-4	24.01.2024
9	OA332/22	A'bad	Adv S N Pagare (Rohit B Salve)	Compassionate Appointment	Reply Filed By R-1 R-2 & R-4 & For Filing Affidavit in Rejoinder	10.01.2024
10	OA370/22	O'bad	Adv Nilesh J Patil (Raosaheb S Kshirsagar)	Increment/ Back Wages & Other Benetis	For Filing Affidavit in Reply By R-1&R-2	19.04.2024
11	OA377/22	A'bad	Adv Vijay C Suradkar (Ratnadip M Athawale)	Compassionate Appointment [Lad-Page Samiti]	Await Service	22.12.2023
12	OA378/22	A'bad	Adv Vijay C Suradkar (Kiran K Waghule)	Compassionate Appointment [Lad-Page Samiti]	Await Service	22.12.2023
13	OA405/22	Beed	Adv Bharat N Gadegaonkar (Sujata R Parsode)	Compassionate Appointment	Reply Filed By R-3 & R-4 & For Filing Affidavit in Reply	24.1.2024
14	OA406/22	Nanded	Adv B R Kedar (Pandit K Pawar & Ors.)	Deemed Date of Promotion	For Filing Affidavit in Reply	22.1.2024
15	OA991/22	Nanded	Adv V P Golewar (Shrinivas G Gangthade)	Transfer	For Filing Affidavit in Rejoinder	22.1.2024

16	OA1022/22	A'bad	Adv V G Pingle (Jayshri B Wakekar @ Jayshri Laxman Sathe)	Compassionate Appointment [Lad- Page Samiti]	By Way of Last Chance For Filing Affidavit in Reply	22.12.2023
17	OA1154/22	A'bad	Adv Mohit R Deshmukh (Mangesh R Kale & Ors.)	Compassionate Appointment	Rehearing Reply Filed By R-1 to R-4	
18	OA110/23	Hingoli	Adv K B Jadhav (Balkrushna S Lanjewar) Adv R T Deshmukh For R-5	Directions/ Counting of Earlier Temporary Service for A.C.P.S Benefit	By Way of Last Chance For Filing Affidavit in Reply	18.1.2024
19	OA129/23	A'bad	Adv Eklavya Potdar (Abhay P Shinde)	Directions/ Pension & Pensionary Benefits	Reply Filed By R-2 By way of Last Chance For Filing Affidavit in Reply	15.1.2024
20	OA254/23	A'nagar	Adv Manoj R Khutwad (Kailas a Kalke)	Pensioneery Benefits	Reply Filed By R-4 & For Filing Affidavit in Reply	12.1.2024
21	OA337/23	P'rbn	Adv Priya R Bharaswadkar (Santosh B Ipper)	Transfer	Reply Filed By R-1 to R-4 & Await Service R-5	23.1.2024
22	OA407/23	O'bad	Adv Nilesh J Patil / Adv K S Patil (Surendra S Pawar)	Transfer	Notice Not Collected	19.1.2024
23	OA432/23	P'rbn	Adv S D Joshi (Dr. Subhash P Pawar) Adv Ganesh V Mohekar For R-4	Transfer	For Filing Affidavit in Reply	19.1.2024

24	OA479/23	Nanded	Adv R N Bharaswadkar (Laxmikant V Deshpande)	Transfer/ Deputation	Await Service	8.1.2024
25	OA495/23	Nanded	Adv Sudhir Patil (Raziabee S Mohammed)	Family Pension	For Filing Affidavit in Reply	12.1.2024
26	OA568/23	Jalna	Adv Vivek G Pingle (Dr. Shyamkant D Gawande)	Transfer	For Filing Affidavit in Reply	23.1.2024
27	OA630/23	Latur	Adv J S Deshmukh (Dr. Govind K Reddy)	Transfer	For Filing Affidavit in Reply	23.01.2024
28	OA754/23	P'rbn	Adv D T Devane (Ramesh N Swami)	Minor Punishment	For Filing Affidavit in Reply	22.1.2024
29	OA817/23	Jalna	Adv V G Pingle Adv Pallvi Karhadkar (Vaishali N Kattul)	Benefits of G.R	For Filing Affidavit in Reply	19.1.2024
30	OA841/23	P'rbn	Adv J J Patil (Prashant B Telang)	Pension & Pensionery Benefits/ Leave	For Filing Affidavit in Reply	22.1.2024
Order Matters						
31	MA358/21 In OASSt313/21	Beed	Adv Vikram S Undre (Sarita V Rode)	M.A For Condonation of Delay	Taking Necessary Steps Await Service <u>Ref Order</u> <u>Dtd.21.10.2022</u>	23.1.2024
32	MA355/22 In OASSt1318/22	A'nagar	Adv A S Shelke (Dileep B Phatangare) <u>Adv Ishwar D Narwade</u> <u>For R-4</u>	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Rejoinder <u>Ref Order</u> <u>Dtd.</u> <u>29.03.2023</u>	23.1.2024

33	MA53/22 In OASSt99/22	A'nagar	Adv P S Mantri (Gorakh R Limaji)	M.A For Condonation of Delay	Reply Filed By R-2 & For Filing Affidavit in Reply	15.1.2024
34	MA156/23 In OASSt601/23	Jalna	Adv A B Rajkar (Manisha M Nikalje)	M.A For Condonation of Delay	For Filing Affidavit in Reply	29.1.2024
35	MA192/23 In OA318/23	A'bad	Adv A B Rajkar (Mohammad Sarvar Abdul Gani)	M.A For Condonation of Delay	For Filing Affidavit in Reply	29.1.20234
36	MA394/23 In OASSt1553/23	A'bad	Adv Vivek G Pingle (Gajanan S Khade)	M.A For Condonation of Delay	For Reply	15.1.2024

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench

Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 08/12/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	NEXT DATE OF HEARING	
Urgent Admission Matters						
1	MA552/23 In OAS2309/23 With Caveat38/23	A'nagar Beed	Adv.A.D. Gadekar (Babasaheb K Mhaske & Ors.) <u>CPO For R.No.3 i.e. Caveator</u>	M.A. For Sue Jointly	M.A. Dispose 12.12.2023	
2	OA319/23	A'nagar	Adv.Nikhil M Pujari (Ashish H Deotale)	Appointment	Dismissed	
3	OA1042/23	Jalna	Adv.R.J. Nirmal (Yogesh S Dawle)	Selection Process	05.02.2024	
Order Matters						
4	MA35/19 In OAST47/19	Latur	Adv.Vinod Joshi/ Adv.K.B. Jadhav (Balraj S Lanjile)	M.A. For Intervention		M.A. disposed of O.A. 22.02.2024

5	MA138/19 In OA805/17	A'bad	Adv.Vishnu Dhoble (Dr.Vanita N Puri) <u>Adv.Avinash Deshmukh for R.No.4 in OA805/17</u> <u>Adv.Avinash Deshmukh has Filed Leave Note From 21.11.2023 to 12.12.2023</u>	M.A. For Condonation of Delay	17.01.2024	
6	MA198/20 In OASSt667/20	Dhule	Adv.A.M. Hajare (Pratibha G Ahire)	M.A. For Condonation of Delay	31.01.2024	
7	MA67/21 In OASSt268/21	P'bhani	Adv.Avinash S Deshmukh <u>Adv.Avinash Deshmukh has Filed Leave Note From 21.11.2023 to 12.12.2023</u> (Chikkahayakanahalli D Krishnaiah Setty) <u>Adv.S.B. Mene for R.No.4</u>	M.A. For Condonation of Delay	16.01.2024	
8	MA175/23 In OA253/17	A'nagar	Adv.D.A. Bide (Sanjay P Jagtap died through LRs Radha Sanjay Jagtap & Ors.)	M.A. For Bringing LRs.	26.02.2024	
9	MA375/23 In OA254/22	A'nagar	Adv.A.W. Khadse/ Adv.R.J. Nirmal (Sandip W Khadse)	M.A. For Direction/ I.R.	12.12.2023	

Due Admission Matters						
10	CP53/19 In OA207/18 With	J'gaon	Adv.J.S. Deshmukh (Dr.Vinay P Sonavane)	Contempt Petition	29.3.2024	
11	CP54/19 In OA338/17 With	Latur	Adv.J.S. Deshmukh (Dr.Govind K Reddy) <u>Adv.P.R. Tandale</u> <u>for R.No.5</u>	Contempt Petition		
12	CP56/19 In OA421/17 With	Nanded	Adv.J.S. Deshmukh (Dr.Shyamrao L Sawant)	Contempt Petition		
13	CP57/19 In OA335/17 With	Nanded	Adv.J.S. Deshmukh (Dr.Ganpati N Wadekar)	Contempt Petition		
14	CP58/19 In OA23/18 With	Nanded	Adv.J.S. Deshmukh (Dr.Archana C Pergulwar)	Contempt Petition		
15	CP59/19 In OA423/17 with	Nanded	Adv.J.S. Deshmukh (Dr.Pandurang G Pawde)	Contempt Petition		
16	CP60/19 In OA422/17	Hingoli	Adv.J.S. Deshmukh (Dr.Sheshrao M Narwade)	Contempt Petition		
17	CP42/23 In OA425/22	A'bad	Adv.K.B. Jadhav (Ramdas H Lohakare)	Contempt Petition		15.12.2023
18	OA577/17	N'bar	Adv.A.G. Ambetkar (Ramesh G	Appointment	7.2.2024	

			Chaudhari) <u>Adv.A.S. Deshmukh</u> <u>for R.No.3</u> Adv.Avinash <u>Deshmukh has Filed</u> <u>Leave Note From</u> <u>21.11.2023 to</u> <u>12.12.2023</u>			
19	OA872/18	A'nagar	Adv.Arvind G Ambetkar (Arun M Gir)	Departmental Enquiry	7.202024	
20	OA445/19 with	Latur	Adv.Vishnu Dhoble (Mangal P Musande & Ors.) <u>Adv.Sachin</u> <u>Deshmukh for</u> <u>R.Nos.3 & 4</u>	Advertisement	17.1.2024	
21	OA446/19	Latur	Adv.Vishnu Dhoble (Smt.Shridevi G. Dama) <u>Adv.Sachin</u> <u>Deshmukh for</u> <u>R.Nos.4 & 5</u>	Advertisement/ Appointment	17.1.2024	
22	OA790/19	Jalna	Adv.V.G. Mete (Gajanan K Kakade)	Appointment	13.2.2024	
23	OA815/19	Beed	Adv.Sachin S Deshmukh (Rajendrakumar P Barhate) <u>Adv.Ajay</u> <u>Deshpande for Spl.</u> <u>Counsel for R.Nos.1</u>	Promotion/ Seniority	12.12.2023	

			<u>& 2</u>			
24	OA1021/19	A'bad	Adv.C.V. Dharurkar (Dr. Prashant D Warkari)	Deemed Date of Appointment/ Seniority	19.12.2023	
25	OA37/20	Hingoli	Adv.S.S. Dambe (Pandurang N Mendake)	Advertisement	15.1.2024	
26	OA567/21	A'nagar	Adv.Swaraj S Tandale (Arifa Gulab Maniyar)	Quashing of Departmental Enquiry	20.2.2024	
27	OA204/22	Nanded	Adv.S.B. Kakde (Ganesh S Bangale)	Termination/ Direction	23.2.2024	
28	OA230/22	A'bad	Adv.M.C. Swami (Dr.Seema M Digraskar @ Dr.Seema D Pathak)	Promotion	26.2.2024	
29	OASSt376/22	P'bhani	Adv.O.Y. Kashid (Abhilash V Gore)	Departmental Enquiry	22.12.2023	
30	OA694/22	Beed	Adv.Shamsunder B Patil (Pradeep D Pawar)	Directions (Appointment)	28.2.2024	
31	OA773/22	A'bad	Adv.V.B. Wagh (Mangala V Pawar)	M.A. For I.R.	31.1.2024	

32	OA828/22	A'nagar	Adv.V.B. Wagh (Shailendra G Sasane)	Designation	10.1.2024	
33	OA1098/22	N'bar	Adv.N.L. Chaudhari (Dr. Kishor S Agale)	Challenging Clause of G.R.	20.2.2024	
Final Hearing Matters						
34	OA603/17 With	Latur	Adv.A.S. Deshmukh Adv.Avinash Deshmukh has Filed Leave Note From 21.11.2023 to 12.12.2023 (Jaideep A Limbale & Ors)	Challenging G. R.	3.1.2024	
35	OA604/17 With	P''bhani	Adv.Avinash S Deshmukh (Kishor S Sabhadinde & Ors)	Challenging G. R.		
36	OA605/17 With	O'bad	Adv.Avinash S Deshmukh (Pratap B Jalkute)	Challenging G. R.		
37	OA606/17 With	Beed	Adv.Avinash S Deshmukh (Bhausahab B Rathod & Ors)	Challenging G. R.		
38	OA607/17 With	Nanded	Adv.Avinash S Deshmukh (Praveen A Kulkarni	Challenging G. R.		

			& Ors)			
39	OA608/17 With	A'nagar	Adv.Avinash S Deshmukh (Sachin M Ralebhat)	Challenging G. R.		
40	OA609/17 With	A'bad	Adv.Avinash S Deshmukh (Pramod U Nade)	Challenging G. R.		
41	OA780/17	Beed	Adv.P. R.Wankhade (Ramhari N Kamble)	Challenging G. R.		
42	OA729/18	Latur	Adv.J.B. Choudhary Adv.J.B. Choudhary has Filed Leave Note From 04.12.2023 to 12.12.2023 (Satish N Shrimangle)	Promotion	25.1.2024	
43	OA847/18	Nanded	Adv.Talekar & Associates (Ananda N Kolewad) <u>Adv.M.R. Wagh for R.No.4</u>	Selection/ Appointment	15.2.2024	
44	OA11/19 With	Beed	Adv.S.B. Solanke (Bapurao A Dongar & Ors.)	Appointment	4.1.2024	
45	OA30/19 With	Beed	Adv.S.B. Solanke (Vaishali V Mhaske)	Appointment		

46	OA81/19	Nanded	Adv.S.B. Solanke (Manohar M Musale & Ors.)	Appointment		
47	OA715/19	A'nagar	Adv.Sanotsh S Jadhavar (Sushma E Chaudhari)	Appointment	15.2.2024	
48	OA799/21	O'bad	Adv.Jiwan J Patil (Shirish R Yadav)	Departmental Enquiry	4.1.2024	

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble
Division Bench*

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI VINAY KARGAONKAR, MEMBER (A)

Date: -08/12/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	NEXT DATE OF HEARING	
Due Admission Matters						
1	CP22/22 In OA25/21	A'bad	Adv.R.J. Nirmal (Shankar P Dange)	Contempt Petition	26.2.2024	
2	CP27/23 In OA681/19	A'bad	Adv M B Bharaswadkar (Damodhar G Thengde)	Contempt Petition	25.1.2024	

3	OA72/20	Nanded	Adv.G.N. Chinchalkar/ Adv.A.D. Gadekar (Sheshrao D Totwad)	Direction/ Dismissal	22.2.2024	
4	TA17/22 WP5627/22	A'bad	Adv.S.B. Patil (Yadav S Sonkamble & Ors.) <u>Adv Jayshree Gite For R-5</u>	Extention of Age	21.2.2024	
5	OA81/22	A'bad	Adv.S.B. Patil (Archana T Tribhuvan)	Challenging Clause of An Advertisement/ Recruitment Process	21.2.2024	
6	OA661/22	J'gaon	Adv.Suchita Dhongde (Dilip S Taru)	Supernumery Post	22.2.2024	
7	OA855/22	A'bad	Adv P R Bharaswadkar (Pravin R Khedkar)	Promotion	23.2.2024	
8	OA924/22	P'bhani	Adv.G.K. Kshirsagar (Vikas V Tayade)	Examination	23.2.2024	
9	TA17/23 WP10375/23	Beed	Adv A D Gade/ Adv K T Sukase (Dilip D Tambare & Ors.) <u>Adv Vivek Bhavthankar For R-13 & R-16/ Adv S N Janakwade For R- 23 Adv Suhas P Urgunde For R-11</u>	Selection Process	31.1.2024	

			<u>Adv R K Ingole For R-12</u>			
10	OA28/23	Latur	Adv.Talekar & Associates (Vijay R Sarole) <u>Adv K F Shingare For R-3</u>	Show Cause Notice/ Termination	22.12.2023	
11	OA275/23	Dhule	Adv.Swaraj S Tandale (Shriram A Patil)	Promotion	25.1.2024	
12	OA445/23	Dhule	Adv V B Wagh (Hemant M Londhe)	Seniority/ Promotion	12.2.2024	
13	OA662/23	A'bad	Adv K B Jadhav (Rajesh R Potpallewar)	Promotion	23.2.2024	
14	OA924/23	Hingoli	Adv Shashikant S Londhe (Tukaram C Londhe)	Departmental Enquiry	28.2.2024	
15	OA958/23	Beed	Adv Kakasaheb B Jadhav (Afroj T Pathan)	Promotion	24.1.2024	
Order Matter						
16	MA154/23 With MASt215/23 In OAS216/23	A'bad	Adv S S Dambe (Shivaji R Kachare & Ors.)	M.A For Condonation of Delay	MA DISPOSED OF IN OA 8.1.2024	
17	MA223/23	Nanded	Adv S B Patil (Keshawrao W	M.A For Amendment	25.1.2024	

	With MA12/22 In OAS1746/21		Pawar)			
18	MA292/23 In OAS1977/23	O'bad	Adv A D Gadekar (Suresh L Gore)	M.A For Condonation of Delay	5.2.2024	

**M.A.NO.375/2023 IN O.A.NO.254/2022
(Sandip W. Khadse Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri A.W.Khadse, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Arguments are heard for some time.

3. Learned CPO has filed affidavit in reply on behalf of respondent nos.1 to 4. It is taken on record. Copy thereof be supplied to the learned Counsel for the applicant.

4. S.O. to 12-12-2023 for further consideration and filing rejoinder, if any.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.1098/2022
(Dr. Kishor Agale Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri S.P.Dhoble, learned Counsel holding for Shri N.L.Choudhari, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 4. It is taken on record. Copy thereof has been served on the other side.
3. S.O. to 20-02-2024 for filing rejoinder.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.603, 604, 605, 606, 607,
608, 609 and 780 ALL OF 2017
(Jaideep Limbale & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri Rajat Untwal, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant and Ku. Preeti Wankhade, learned Counsel for the applicants in respective matters and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.

2. S.O. to 03-01-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.799/2021
(Shirish R. Yadav Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri Dhananjay Chinchole, learned Counsel holding for Shri Jiwan J. Patil, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 04-01-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION ST. NO.376/2022
(Abhilash Gore Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri V.T.Patil, learned Counsel holding for
Shri O.Y.Kashid, learned Counsel for the applicant
and Shri M.P.Gude, learned Presenting Officer for
the respondent authorities, are present.

2. S.O. to 22-12-2023. Interim relief granted
earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.28/2023
(Vijay R. Sarole Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Ku. Anagha Pandit, learned Counsel holding for Shri S.B.Talekar, learned Counsel for the applicant, Shri M.P.Gude, learned Presenting Officer for the respondent authorities and Shri K.G.Shingare, learned Counsel for respondent no.3, are present.

2. S.O. to 22-12-2023. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.828/2022
(Shailendra G. Sasane Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Smt. Vijaya Adkine, learned Counsel holding for Shri V.B.Wagh, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10-01-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 253 OF 2019
(Laxmikant M. Bhoskar Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 12.01.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

**M.A. No. 53/2022 in O.A. St. No. 99/2022
(Gorakh R. Limaji Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri P.S. Mantri, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that the affidavit in reply filed on behalf of respondent No. 3 will be adopted by the other respondent.

3. In view of the same, list the matter for hearing on 15.01.2024.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 608 OF 2022
(Mahendra S. Surwade Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 08.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 17 OF 2022
(Baburao M. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri Swaraj Tandale, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.01.2024 for hearing.

MEMBER (J)

T.A. No. 06/2022 (W.P. No. 6466/2022)
(Sharda R. Gangawe & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri K.M. More, learned counsel for the applicants (**Absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 22.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 766 OF 2021
(Narendra R. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 18.12.2023 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 587 OF 2020
(Kumudini R. Sable Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri Ashish Rajkar, learned counsel holding for Shri V.C. Suradkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 22.12.2023 for hearing.

MEMBER (J)

**M.A. No. 500/2022 in O.A. St. No. 1954/2022
(Rahul S. Lokhande Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 22.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

M.A. No. 569/2022 in O.A. No. 583/2021
(Jitendra M. Panje Through Lrs. Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri Swaraj Tandale, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 18.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

**M.A. No. 71/2020 in O.A. St. No. 2465/2019
(Sujata R. Puri Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri D.R. Jayabhar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 366 OF 2022
(Rahul I. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.12.2023 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 852 OF 2022
(Babusing D. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

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

2. S.O. to 24.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 853 OF 2022
(Premsing P. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

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

2. S.O. to 24.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 646 OF 2023
(Sahebrao N. Shewale Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri Vivek Bhavthankar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 09.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 815 OF 2022
(Akash D. Nagrale Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri S.P. Salgar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.12.2023 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 732 OF 2022
(Avinash H. Samudre Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri S.P. Salgar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.12.2023 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 577 OF 2022
(Yogesh G. Salunkhe Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant (**Leave Note**). Shri B.S. Deokar, 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 19.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 603 OF 2022
(Sachin G. Shelke Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri S.D. Kotkar, learned counsel for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 19.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 783 OF 2022
(Nilabai P. Mamulwar & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicants (**Absent**). Smt. Sanjivaji K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 3 and 4, are present.

2. As none present for the applicants, S.O. to 14.12.2023 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 438 OF 2022
(Smt. Sunita S. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.12.2023 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 518 OF 2022
(Ganesh A. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri H.M. Shaikh, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 19.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 312 OF 2023
(Bapu S. Pathade Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri Ashish Rajkar, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 57 OF 2023
(Shaikh Mohd. Aslam Rahimshamiya Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that during the course of the day rejoinder affidavit will be filed.

3. S.O. to 22.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 27 OF 2023
(Sanjay M. Vyas Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri S.B. Jadhav, learned counsel for the applicant (**Absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 01.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

**M.A. St. No. 1516/2023 in O.A. St. No. 1517/2023
(Ashok W. Gosavi Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri U.B. Deshmukh, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 18.01.2024.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

M.A. No. 554/2023 in O.A. St. No. 2199/2023
(Rajaram C. Savalekar Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri Onkar Joshi, learned counsel holding for Shri Jiwan Patil, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A., returnable on 31.01.2024.
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 31.01.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1144 OF 2022
(Ritesh C. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri R.I. Wakade, learned counsel for the applicant (**Absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 19.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 495 OF 2023
(Raziabee Shaikh Mohammed Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri Sudhir Patil, learned counsel for the applicant (**Absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

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

3. At the request of learned P.O., S.O. to 12.01.2024 for filing affidavit in reply on behalf of respondent Nos. 1 and 2.

MEMBER (J)

ORIGINAL APPLICATION NO. 332 OF 2023
(Rohit B. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri S.N. Pagare, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent No. 3. Time granted.

3. S.O. to 10.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 479 OF 2023
(Laxmikant V. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

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

3. Learned P.O. submits that affidavit in reply on behalf of respondent No. 1 is not necessary.

4. List the matter for admission hearing on 08.01.2024 and for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 817 OF 2023
(Smt. Vaishali N. Kattul Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits across the bar affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy of the same is already given to learned counsel for the applicant.

3. At the request of learned P.O., S.O. to 19.01.2024 for filing affidavit in reply on behalf of respondent Nos. 1 and 2.

MEMBER (J)

ORIGINAL APPLICATION NO. 110 OF 2023
(Balkrushna S. Lanjewar Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

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

2. Even though last chance is given, affidavit in reply is not yet filed.

3. List the matter for admission hearing on 08.01.2024.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 432 OF 2023
(Dr. Subhash P. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri Ashish Rajkar, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present. Shri G.V. Mohekar, learned counsel for respondent No. 4, is **absent.**

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

3. No affidavit in reply is filed on behalf of respondent No. 4.

4. S.O. to 19.01.2024. Status quo granted earlier to continue till then.

MEMBER (J)

**M.A. No. 394/2023 in O.A. St. No. 1553/2023
(Gajanan S. Khade Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 15.01.2024.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 1022 OF 2023
(Jayshri B. Wakekar @ Jayshri S. Sathe Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

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

2. Even though last chance is given, affidavit in reply is not yet filed.

3. List the matter for admission hearing on 22.12.2023.

MEMBER (J)

KPB ORAL ORDER 08.12.2023

M.A. No. 517/2023 in O.A. No. 815/2023
(Vijusing D. Gusinge Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri Swaraj Tandale, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned P.O. for the respondent authorities.

2. Learned counsel for the applicant submits that due to some subsequent developments, the prayer clause of the Original Application needs to be amended.

3. Learned P.O. has no objection for the same.

4. In view of the same, M.A. No. 517/2023 is hereby allowed in terms of prayer clause 3(B). Necessary amendment in O.A. be carried out forthwith and amended copy of the O.A. be supplied to learned P.O.

5. Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 815 OF 2023
(Bijusing D. Gusinge Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri Swaraj Tandale, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits across the bar rejoinder affidavit. Same is taken on record and copy thereof is given to learned P.O. today itself in the Court.

3. List the matter for admission hearing on 08.01.2024.

MEMBER (J)

M.A.NO. 154/2023 IN O.A.ST.NO. 216/2023
(Shivaji Rajaram Kachare Vs. the State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 08.12.2023

ORAL ORDER :

Heard Shri S.S. Dambe, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Since some delay has occasioned in filing accompanying O.A. by the present applicants, this application has been preferred seeking condonation of delay so caused.

3. It is the contention of the applicant that they were awaiting decision on their representation and that is the cause that they could not approach this Tribunal earlier to this. Learned counsel for the applicants submitted that the delay occurred is unintentional and for bona-fide reasons. It is further contended that if the delay is not condoned the applicants may not get an opportunity to prosecute their matters on merit, which are deprived them for claiming their legitimate right and hence, prayer has been made for condonation of delay.

4. Learned Presenting Officer has opposed the prayer for condonation of delay stating that the reasons as are assigned in the application are not just and sufficient. He further submitted that though delay is stated to be of 215 days however, it appears to be more than that. In the circumstances, he has prayed for rejecting the Misc. Application.

5. After having gone through the contentions raised in the Misc. Application and after having heard the arguments of the learned counsel it appears to us that the delay caused is apparently on the ground that the representation made by these applicants were pending before the authorities, therefore, it cannot be said that the applicants have deliberately approached this Tribunal late. We have also considered the prayers made in the O.A. It appears that having regard to the prayers made in the said O.A. an opportunity has to be given to the applicants to prosecute their matters on merits. In the circumstances, we are inclined to allow the present Misc. Application. Hence, the following order: -

ORDER

- (i) Delay caused in filing accompanying O.A. is condoned.

:: - 3 - ::

**M.A.NO. 154/2023 IN
O.A.ST.NO. 216/2023**

(ii) The accompanying O.A. be registered and numbered in accordance with law.

(iii) The Misc. Application stands disposed of with no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.12.2023-HDD

ORIGINAL APPLICATION ST. NO. 216 OF 2023
(Shivaji Rajaram Kachare Vs. the State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri S.S. Dambe, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. On registration of O.A., issue notice to the respondents, returnable on 8.1.2024.

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 8.1.2024.

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

MEMBER (A)
ORAL ORDERS 08.12.2023-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 377 OF 2022
(Ratnadip Mhasu Athawale Vs. State of Maharashtra &
Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri A.B. Rajkar, learned counsel holding for Shri Vijay C. Surdkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits across the bar the affidavit in reply on behalf of respondent Nos. 1 to 4. The same is taken on record and copy thereof is given to learned counsel for the applicant.

3. List the matter for admission hearing on 22.12.2023. In the meanwhile it would be open for the applicant to file affidavit in rejoinder, if so desires.

MEMBER (J)

**ORIGINAL APPLICATION NO. 44 OF 2022
(Rekha Digambar Wagatkar & Anr. Vs. State of
Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri Subhash Chilarge, learned counsel for the applicants, is **absent**. Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. None present on behalf of the applicants.
3. S.O. to 14.12.2023 for re-hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 66 OF 2021
(Gajendra T. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri S.R. Patil, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.01.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 08.12.2023

**ORIGINAL APPLICATION NO. 175 OF 2021
(Ajay R. More Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 689 OF 2021
(Ajay R. More Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. None present on behalf of the applicant. S.O. to 08.01.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 99 OF 2022
(Rohit C. Mote Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.12.2023 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1092 OF 2019
(Dhanaji R. Marakwad Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri C.R. Thorat, learned counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. None present on behalf of the applicant.
3. S.O. to 11.12.2023 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 08.12.2023

**ORIGINAL APPLICATION NO. 1048 OF 2019
(Ramchandra L. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri K.M. Nagarkar, learned counsel for the applicant, is **absent**. Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 to 4, are present.

2. None present on behalf of the applicant.
3. S.O. to 11.12.2023 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 488 OF 2019
(Shaikh Ajmal Shaikh Abdulla Vs. State of Maharashtra &
Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri Kunal A. Kale, learned counsel for the applicant, is **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. None present on behalf of the applicant.
3. S.O. to 11.12.2023 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 129 OF 2023
(Abhay Pundalik Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri Eklavya Potdar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is given to respondent Nos. 1 & 3 to 7 to file affidavit in reply, no reply is filed.

3. In view of same, list the matter for admission hearing on 15.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 822 OF 2018
(Virendra P. Dhivare Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri A.D. Sugdare, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. Learned counsel for the applicant seeks time to place on record and copy of overall seniority list of Public Works Department, Dhule Circle. Time granted.

4. Learned P.O. is also requested to call for the seniority list published in the year 2013 from the department till the next date of hearing.

5. S.O. to 09.01.2024 for further hearing.

MEMBER (J)

**M.A.NO. 156 OF 2023 IN O.A.ST.NO. 601 OF 2023
(Manisha M. Nikalje Vs. State of Maharashtra & Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits across the bar the affidavit in reply on behalf of respondent Nos. 1 to 3 to M.A. The same is taken on record and copy thereof is given to learned counsel appearing for the applicant.

3. List the matter for hearing on 29.01.2024.

MEMBER (J)

**M.A.NO. 192 OF 2023 IN O.A.NO. 318 OF 2023
(Mohammad Sarvar Abdul Gani Vs. State of Maharashtra &
Ors.)**

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

DATE : 08.12.2023

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits across the bar the affidavit in reply on behalf of respondent Nos. 1 to 3 to M.A. The same is taken on record and copy thereof is given to learned counsel appearing for the applicant.

3. List the matter for hearing on 29.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 323 OF 2019
(Jairam V. Mitke Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri S.B. Patil, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. It appears that after obtaining the Caste Validity Certificate, the applicant has submitted an application dated 08.09.2023 to Deputy Commissioner, Labour Office, Aurangabad for grant of pension and other admissible benefits.

3. As per the oral instructions given by this Tribunal, the learned P.O. has taken instructions from the concerned department and the authorized person from the concerned department Shri Govind A. Gawande, Superintendent, Deputy Commissioner, Labour Office, Aurangabad is also present today before the Tribunal.

4. Learned P.O. for the respondents has submitted that in the light of the application dated 08.09.2023 submitted by the applicant, the Deputy Commissioner, Labour Office, Aurangabad has sought guidelines from the Labour Commissioner,

Maharashtra State, Mumbai i.e. the respondent No.2 by communication dated 20.09.2023. Learned P.O. has placed on record and said copy of communication which is marked as document 'X' for the purpose of identification. Learned P.O. on instructions submits that the office of respondent No.3 is pursuing the said letter.

5. Learned counsel for the applicant submits that though this communication is dated 20.09.2023, still there is no progress so far.

6. Learned P.O. on instructions from the concerned officer who is present today before the Tribunal submits that within two weeks from the date of this order, the appropriate decision will be taken on the communication dated 20.09.2023.

7. In view of above, the respondent No.2 i.e. the Labour Commissioner, Maharashtra State, Mumbai is hereby requested to process the aforesaid communication dated 20.09.2023 at the earliest from the date of this order.

8. In view of above as agreed by learned counsel for the applicant, nothing survives in this matter at

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O.A. 323/2019

this stage. However, in case of any adverse order by the respondent No.2 in connection with the aforesaid communication dated 20.09.2023, the applicant would be at liberty to file an appropriate O.A., if any,

9. In view of above, the Original Application stands disposed of. In this circumstances, no order as to costs.

MEMBER (J)

SAS ORAL ORDERS 08.12.2023

Date : 08.12.2024

**ORIGINAL APPLICATION NO. 1045 OF 2023
(Shahmir S/o Shamshoddin Shaikh V/s State of
Maharashtra & Ors.)**

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

1. Shri S.S. Ware, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 03.01.2024. The case be listed for admission hearing on **03.01.2024**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

ORIGINAL APPLICATION NO. 72/2020
(Sheshrao D. Totwad Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer submits that the respondent no. 01 may not file the affidavit in reply and he is adopting the affidavit in reply filed on behalf other State authorities. The matter, therefore, be placed for hearing on 22.2.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 1042/2023
(Yogesh S. Dawle Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri R.J. Nirmal, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Leave sought by the learned counsel for the applicant for correcting the prayer clause. It is submitted that in the prayer clause (C) in the alternative prayer the prayer is sought for benefit of 01 mark, whereas the benefit should of 02 marks. Leave as sought for is granted. The correction be carried out forthwith.

3. Issue notice to the respondents, returnable on 5.2.2024.

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 5.2.2024.

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

MEMBER (A)

ARJ ORAL ORDER 08.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 319/2022
(Ashish H. Deotale Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri M.N. Pujari, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. When the present matter is called, no one has caused the appearance for the applicant. The record shows that after the matter was transferred to this Bench, the applicant or his counsel, no one has caused appearance in the matter. The matter was on the Board on 21.4.2023, 14.6.2023, 1.8.2023, 25.8.2023, 10.10.2023, 6.11.2023 and it was adjourned till today. Today also no one has caused appearance. There is reason to believe that the applicant has lost interest in prosecuting the matter further. Hence, the following order is passed :-

ORDER

The Original Application stands dismissed for want of prosecution. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 292/2023 IN O.A. ST. 977/2023
(Suresh L. Gore Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer has tendered the affidavit in reply on behalf of respondent no. 03. Learned P.O. submits that the respondent nos. 01 & 02 may not file separate affidavit in reply and the reply filed on behalf of the respondent no. 03 shall be treated as the reply on behalf of respondent nos. 01 & 02 also.

3. List the matter for hearing on 5.2.2024. in the meantime it will be open for the applicant to file the rejoinder affidavit.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 773/2022
(Mangala V. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

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

2. On request of learned counsel for the applicant, S.O. to 31.01.2024 for hearing. The Interim Relief granted earlier to continue till then.

MEMBER (A)

ARJ ORAL ORDER 08.12.2023

VICE CHAIRMAN

**M.A. NO. 552/2023 IN O.A. ST. NO. 2309/2023 WITH
CAVEAT NO. 38/2023**

(Babasaheb K. Mhaske & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicants and Shri M.S. Mahajan, 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

O.A. ST. NO. 2309/2023 WITH CAVEAT NO. 38/2023
(Babasaheb K. Mhaske & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Chief Presenting Officer submits that identical matter is kept on 12.12.2023, therefore, the present matter shall be kept on 12.12.2024.

3. Issue notice to the respondents, returnable on 12.12.2024.

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

4. 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.

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

7. S.O. to 12.12.2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 175/2023 IN O.A. NO. 253/2017
(Sanjay P Jagtap (Died) through LRs. Radha wd/o Sanjay Jagtap
& Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Shri L.S. Shaikh, learned counsel holding for Shri D.A. Bide, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Legal Representatives of the deceased applicant, who had preferred the Original Application No. 253/2017, for substituting their names as legal representatives of the deceased applicant so that they can prosecute the matter further.

3. Considering the prayers made in the Original Application, it is evident that the cause of action survives even after the death of the deceased applicant. Hence, we pass the following order :-

ORDER

(i) The Misc. Application is allowed.

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M.A. NO. 175/2023 IN
O.A. NO. 253/2017

(ii) Names of legal representatives be taken on record in the Original Application. Necessary amendment be carried out in the O.A. within a week.

(iii) Original Application be placed for further consideration on 26.02.2024.

(iv) No order as to costs.

MEMBER (A)

ARJ ORAL ORDER 08.12.2023

VICE CHAIRMAN

C.P. NO. 42/2023 IN O.A. NO. 425/2022
(Ramdas H. Lohakare. Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

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

2. When the present matter is taken up for consideration, the learned Presenting Officer submits that he will advise the respondents to comply with the order passed by this Tribunal in O.A. within a week. In view of the statement so made by the learned P.O., S.O. to 15.12.2023.

MEMBER (A)
ARJ ORAL ORDER 08.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 445/2023
(Hemant M. Londhe Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer has tendered the affidavit in reply on behalf of respondent nos. 1 & 2. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 12.12.2023 for hearing. In the meantime it will be open for the applicant to file the rejoinder affidavit.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 08.12.2023

ORIGINAL APPLICATION NO. 567/2021
(Arifa Gulab Maniyar Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri Swaraj S. Tandale, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for hearing, the learned Presenting Officer submits that the matter is pending with the State Government for taking final decision in the matter of departmental enquiry held against the applicant. The learned Presenting Officer, in the circumstances, has sought time. The request so made is opposed by the learned counsel appearing for the applicant.

3. From the facts, which have come on record, it is discernable that the matter is pending with the State Government since last about 02 years. Learned counsel pointed out that the applicant was due for promotion, however, the respondents did not consider her to be promoted on the ground that the

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O.A. NO. 567/2021

departmental enquiry is pending against her. The departmental enquiry was initiated against the applicant in the year 2016. The learned counsel has brought to our notice that in the meanwhile the juniors to the present applicant have got the promotion. The learned counsel further submitted that even otherwise in the enquiry so held, out of 10 charges, 08 charges are held to be not proved and 02 charges, which have held to have been proved, the applicant has submitted her appropriate explanation showing that the said charges cannot be held to have been proved. Because the final decision has not been taken, the applicant is deprived of her further promotion. Learned counsel brought to our notice the Government Resolution dated 15.12.2017, clause 11 thereof, reads thus :-

“११. विभागीय पदोन्नती समितीच्या पहिल्या बैठकीनंतर दोन वर्षांनी शिस्तभंगविषक/न्यायालयीन कार्यवाहीच्या अंतिम निर्णयाच्या आधिन संबधित अधिकारी/कर्मचा-यास तदर्थ पदोन्नती देणे आवश्यक आहे, असे सक्षम प्राधिका-याचे मत झाल्यास मोहारबंद पाकिट उघडण्यात येवू नये. विभागीय पदोन्नती समितीची बैठक बोलावून संबधित अधिकारी/कर्मचा-याची पात्रता/अपात्रता नव्याने तसासावी. पुन्हा नव्याने पात्रता तपासल्यानंतर संबधीत अधिकारी/कर्मचारी पदोन्नतीसाठी पात्र ठरल्यास, त्यांना ११ महिन्यांसाठी किंवा विभागीय चौकशी/न्यायालयीन कार्यवाही अंतिम होईल यापैकी जे अगोदर होईल तेवढ्या कालावधीसाठी खालील अटीच्या अधीन राहून निव्वळ तदर्थ पदोन्नती देण्यात यावी. खालील अटी व शर्ती तदर्थ पदोन्नतीच्या आदेशामध्ये सुस्पष्टपणे नमूद कराव्यात :-

(i) शिस्तभंगविषयक/न्यायालयीन कार्यवाहीच्या अधिन दिली जाणारी तदर्थ पदोन्नती केवळ तात्पुरती असेल व या तदर्थ पदोन्नतीमुळे नियमितपणाचे व ज्येष्ठतेचे कोणतेही लाभ अशा अधिकारी/कर्मचा-यांना मिळणार नाहीत.

(ii) ही तदर्थ पदोन्नती "पुढील आदेशापर्यंत असेल". तसेच कोणत्याही वेळी दिलेली तदर्थ पदोन्नती रद्दकरून मुळ पदावर पदावनत करण्याचा हक्क शासन राखून ठेवीत आहे."

On perusal of the provision under the aforesaid clause, we are convinced that the said provision would squarely apply in the present matter.

4. In the circumstances, while granting time to the respondents to work out the matter, we deem it appropriate to pass the following order :-

ORDER

(i) Time as asked for by the respondents is granted.

(ii) The respondents are directed to consider the case of the applicant for granting her provisional promotion as provided in clause 11 of the G.R. dated 15.12.2017 and for that purpose it is further directed that the respondents shall call the meeting of the Departmental Promotion Committee within 02 weeks from the date of this order for the said

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O.A. NO. 567/2021

purpose and give provisional promotion to the applicant, if she fulfils the conditions as are provided in clause 11 of the G.R. dated 15.12.2017, and on the terms and conditions incorporated in the said G.R.

(iii) S.O. to 20.02.2023.

(iv) Steno copy allowed for the use of learned Presenting Officer.

MEMBER (A)

ARJ ORAL ORDER 08.12.2023

VICE CHAIRMAN

M.A. NO. 35/2019 IN O.A. ST. 47/2019
(Balaji S. Lanjile Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER :

Heard Shri Vinod Joshi, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present Misc. Application has been filed by the applicant for condonation of delay occasioned in filing the accompanying Original Application.

3. The learned counsel appearing for the applicant submits that by filing the accompanying Original Application the applicant has sought quashment of the order dated 1.7.2016 passed by respondent no. 02, whereby open enquiry into the assets of the applicant has been initiated. Since some delay has occurred in filing the accompanying O.A., the applicant has filed the present Misc. Application.

4. Learned counsel submitted that the applicant was advised by his counsel to approach the Hon'ble

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M.A. NO. 35/2019 IN
O.A. ST. 47/2019

High Court. Accordingly the applicant approached the Hon'ble Bombay High Court by filing Writ Petition No. 3812/2016. However, when the said writ petition was taken up for consideration by the Division Bench of Hon'ble High Court on 12.12.2018, the Hon'ble High Court disposed it of by observing that the petitioner has got remedy of approaching the Maharashtra Administrative Tribunal U/s 19 of the Administrative Tribunals Act, 1985 and hence giving liberty to the petitioner to approach the Tribunal by further observing that all the contentions are kept open. Thereafter, on 27.12.2018 i.e. within a week the applicant filed Original Application before the principal seat of this Tribunal at Mumbai and then on the ground of territorial jurisdiction, the applicant was directed to approach this Tribunal and in the month of January, 2019 the applicant has accordingly filed the accompanying O.A. before this Tribunal and thereafter on objection raised by the Registry, also filed the present Misc. Application seeking condonation of delay. Learned counsel submits that if the chronology of the events occurred is seen, the

applicant had diligently approached the Hon'ble High Court and after disposal of Writ Petition, without loss of time, approached this tribunal. Learned counsel submits that the applicant was bona fide agitating his grievance, but before wrong forum. In such circumstances, delay requires to be condoned.

4. Learned Chief Presenting Officer submitted that preferring writ petition before the Hon'ble High Court was deliberate action on part of the applicant to kill the time; moreover delay has not been appropriately explained by the applicant. He therefore prayed to reject the Misc. Application.

5. We have considered the submissions advanced by the learned counsel appearing for the applicant and the learned Chief Presenting Officer for the respondent authorities. The applicant had approached the Hon'ble High Court by filing writ petition in the year 2016 itself. Vide order passed by the Hon'ble High Court liberty has been granted to the applicant to approach this Tribunal U/s 19 of the Administrative Tribunals Act, 1985. In the

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O.A. ST. 47/2019

circumstances, it does not appear to us that there is any ground to hold that the applicant had deliberately approached this Tribunal late.

6. Having regard to the facts as aforesaid, we are inclined to condone the delay so that the O.A. can be prosecuted on merits. Hence, the following order:-

ORDER

- (i) Delay occasioned in filing accompanying O.A. is condoned.
- (ii) Accompanying Original Application be registered and numbered in accordance with law.
- (iii) Misc. Application stands disposed of without any order as to costs.
- (iv) Original Application to come up for hearing on 22.2.2024.
- (v) Order passed in favour of the applicant on 20.9.2019 to continue till then.

MEMBER (A)
ARJ ORAL ORDER 08.12.2023

VICE CHAIRMAN

(1) ORIGINAL APPLICATION NO. 1012 OF 2022
(Pandurang Raghuji Sable Vs. State of Maharashtra & Ors.)

WITH

(2) ORIGINAL APPLICATION NO. 1013 OF 2022
(Sambhaji Khirappa Khupse Vs. State of Maharashtra & Ors.)

WITH

(3) ORIGINAL APPLICATION NO. 1014 OF 2022
(Namdeo B. Chavan Vs. State of Maharashtra & Ors.)

WITH

(4) ORIGINAL APPLICATION NO. 1064 OF 2022
(Nagorao Dhondiba Salve Vs. State of Maharashtra & Ors.)

WITH

(5) ORIGINAL APPLICATION NO. 426 OF 2023
(Ginyandeo Mahadu Bagul Vs. State of Maharashtra & Ors.)

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

DATE : 08.12.2023

ORAL ORDER

Heard Shri J.S. Deshmukh, learned counsel for the applicants in O.A. Nos. 1012, 1013, 1014 & 1064 all of 2022, Shri K.B. Jadhav, learned counsel for the applicant in O.A. No. 426/2023 and S/shri I.S. Thorat & D.R. Patil, learned Presenting Officer for the respondent authorities in respective O.As.

2. All these matters are taken up for discussion together, since identical issues are involved and decided by this common order finally at the sage of admission, by consent.

3. The applicants in O.A. Nos.1012, 1013, 1014 & 1064 all of 2022 are seeking directions to the

//2// O.A. 1012/2022 & 4 Ors.

respondents to take decision in respect of suspension period as duty period, as well as, seeking directions to the respondents to pay pensionary benefits till decision of criminal appeal against their acquittal by taking appropriate undertaking. The applicants in O.A. Nos. 1014 & 1064 both of 2022 are seeking prayer to quash and set aside the impugned communication dated 29.12.2021 issued by respondent No. 3.

4. So far as Original Application No. 426/2023 is concerned, the applicant is seeking direction to the respondents to pay the regular pension, amount of Commutation, amount of leave encashment and amount of Gratuity / DCRG, as well as, interest on the said amounts. No directions regarding suspension period are sought for the reason that after his acquittal the suspension period was regularized by the respondents.

5. Brief facts giving rise to the Original Applications are as follows :-

(I) O.A. No. 1012/2022:-

(i) The applicant was appointed as Constable in Police Department in the year 1985.

He retired from the post of Police Head Constable on 31.05.2020 from Police Head Quarters, Jalna. Further on the basis of complaint lodged with A.C.B. against the applicant in respect of demand of bribe of Rs. 500/- from one Samadhan Suradkar and Babita Mhaske, Crime No. II-3015/2012 u/s 7, 13(1)(3)(d) with 13(2) of Prevention of Anticorruption Act, 1988 registered against the applicant on 04.12.2012 at Police Station Tembhorni, Tq. Jafrabad, District Jalna. In view of registration of said crime under the orders of the respondent No. 3, the applicant came to be suspended on 06.12.2012 (Annexure A-2) in terms of Rule 3(1)(A-2)(1-A)(b) of Bombay Police (Punishment and Appeal) Rules, 1956. After taking periodical review of the suspension, the respondent No. 3 has reinstated the applicant and several others vide order dated 25.02.2016 (Annexure A-3) by revoking their suspension orders, subject to Special Case pending against them before the learned Sessions Court. Thus the applicant joined duties on 26.02.2016.

(ii) It is further case of the applicant that he came to be acquitted in Special Case No. 07/2013

pending against him at Jalna by judgment and order dated 16.05.2019 (Annexure A-4). Being aggrieved by the same, the State has preferred Criminal Appeal against the order of acquittal before the Hon'ble High Court, Bench at Aurangabad, however, the same is pending.

(iii) It is the case of the applicant that since the date of retirement i.e. 31.05.2020 he has received only provisional pension w.e.f. 01.06.2020 and no pensionary benefits were paid to him. Though the applicant has made a representation requesting competent authorities to treat his suspension period as duty period and releasing the pensionary benefits subject to decision of Criminal Appeal pending before the Hon'ble High Court, Bench at Aurangabad, no effective order has been passed. Through the applicant is receiving provisional pension since June, 2020, however gratuity, D.C.R.G. and other pensionary benefits are yet not paid to the applicant solely on the ground that the Criminal Appeal against his acquittal is pending before the Hon'ble High Court. The applicant has therefore, approached this Tribunal by filing the present Original Application.

(II) O.A. No. 1013/2022:-

(i) The applicant was appointed as Constable in Police Department in the year 1986. He retired from the post of Police Head Constable on 31.07.2022 from Police Head Quarter, Jalna. Further on the basis of complaint lodged with A.C.B. against the applicant in respect of demand of bribe of Rs. 2500/- from one Babarao Rathod, Crime No. II-3012/2014 u/s 7, 13(1)(d) with 13(2) of Prevention of Anticorruption Act, 1988 registered against the applicant on 10.07.2014 at Police Station Mantha, Tq. Jafrabad, District Jalna. In view of registration of said crime under the orders of the respondent No. 3, the applicant came to be suspended on 17.07.2014 (Annexure A-2) in terms of Rule 3(1)(A-2)(1-A)(1)(b) of Bombay Police (Punishment and Appeal) Rules, 1956. After taking periodical review of the suspension, the respondent No. 3 has reinstated the applicant and several others vide order dated 25.02.2016 (Annexure A-3) by revoking their suspension orders subject of Special Case pending against them before the learned Sessions Court. Thus the applicant joined duties on 27.02.2016.

//6// O.A. 1012/2022 & 4 Ors.

(ii) It is further case of the applicant that he came to be acquitted in Special Case No. 23/2014 pending against him at Jalna by judgment and order dated 22.02.2019 (Annexure A-4). Being aggrieved by the same, the State has preferred Criminal Appeal against the order of acquittal before the Hon'ble High Court, Bench at Aurangabad, however, the same is pending.

(iii) It is the case of the applicant that since the date of retirement i.e. 31.07.2022 he has received only provisional pension w.e.f. 01.08.2022 and no pensionary benefits were paid to him. Though the applicant has made a representation requesting competent authorities to treat his suspension period as duty period and releasing the pensionary benefits subject to decision of Criminal Appeal pending before the Hon'ble High Court, Bench at Aurangabad, no effective order has been passed. Through the applicant is receiving provisional pension since August, 2021, however gratuity, D.C.R.G. and other pensionary benefits are yet not paid to the applicant solely on the ground that the

//7// O.A. 1012/2022 & 4 Ors.

Criminal Appeal against his acquittal is pending before the Hon'ble High Court. The applicant has therefore, approached this Tribunal by filing the present Original Application.

(III) O.A. No. 1014/2022:-

(i) The applicant was appointed as Constable in Police Department in the year 1985. He retired from the post of Police Head Constable on 31.05.2020 from Police Station Ashti, Tq. Partur, District Jalna. Further on the basis of complaint lodged with A.C.B. against the applicant in respect of demand of bribe of Rs. 2000/-, Crime No. II-3002/2004 u/s 7, 13(1)(d) with 13(2) of Prevention of Anticorruption Act, 1988 registered against the applicant on 10.01.2004 at Police Station Mantha, Tq. Mantha, District Jalna. In view of registration of said crime under the orders of the respondent No. 3, the applicant came to be suspended on 12.01.2004 (Annexure A-2) in terms of Rule 3(1-A)(1)(b) of Bombay Police (Punishment and Appeal) Rules, 1956. The applicant was reinstated in service w.e.f. 28.11.2007.

(ii) It is further case of the applicant that he came to be acquitted in Special Case No. 07/2004 pending against him at Jalna by judgment and order dated 27.09.2007. Being aggrieved by the same, the State has preferred Criminal Appeal against the order of acquittal before the Hon'ble High Court, Bench at Aurangabad, however, the same is pending.

(iii) It is the case of the applicant that since the date of retirement i.e. 31.05.2020 he has received only provisional pension w.e.f. 01.06.2020 and no pensionary benefits were paid to him. The applicant has made a representation requesting competent authorities to treat his suspension period as duty period and releasing the pensionary benefits subject to decision of Criminal Appeal pending before the Hon'ble High Court, Bench at Aurangabad. The respondent No. 3 vide communication dated 29.12.2021 (Annexure A-4) rejected the request of the applicant to treat his suspension period as duty period as the Criminal Appeal is pending against the applicant before the Hon'ble High Court. Through the applicant is receiving provisional pension since

//9// O.A. 1012/2022 & 4 Ors.

June, 2020, however gratuity, D.C.R.G. and other pensionary benefits are yet not paid to the applicant solely on the ground that the Criminal Appeal against his acquittal is pending before the Hon'ble High Court. The applicant has therefore, approached this Tribunal by filing the present Original Application.

(IV) O.A. No. 1064/2022:-

(i) The applicant was appointed as Constable in Police Department in the year 1979. He retired from the post of Police Head Constable on 31.10.2013 from Police Station Ashti, Tq. Partur, District Jalna. Further on the basis of complaint lodged with A.C.B. against the applicant in respect of demand of bribe of Rs. 1000/-, Crime No. II-3034/2008 u/s 7, 13(1)(d) with 13(2) of Prevention of Anticorruption Act, 1988 registered against the applicant on 13.06.2008 at Kranti Chowk Police Station, Aurangabad. In view of registration of said crime under the orders of the respondent No. 3, the applicant came to be suspended on 01.07.2008 (Annexure A-2) in terms of Rule 3(1)(A-2)(1-A)(b) of

//10// O.A. 1012/2022 & 4 Ors.

Bombay Police (Punishment and Appeal) Rules, 1956. The applicant was reinstated in service w.e.f. 05.10.2010.

(ii) It is further case of the applicant that he came to be acquitted in Special Case No. 22/2008 pending against him at Jalna by judgment and order dated 20.05.2016. Being aggrieved by the same, the State has preferred Criminal Appeal against the order of acquittal before the Hon'ble High Court, Bench at Aurangabad, however, the same is pending.

(iii) It is the case of the applicant that since the date of retirement i.e. 31.10.2013 he has received only provisional pension w.e.f. 01.11.2013 and no pensionary benefits were paid to him. The applicant has made a representation requesting competent authorities to treat his suspension period as duty period and releasing the pensionary benefits subject to decision of Criminal Appeal pending before the Hon'ble High Court, Bench at Aurangabad. The respondent No. 3 vide communication dated 29.12.2021 (Annexure A-4) rejected the request of

//11// O.A. 1012/2022 & 4 Ors.

the applicant to treat his suspension period as duty period as the Criminal Appeal is pending against the applicant before the Hon'ble High Court. Through the applicant is receiving provisional pension since November, 2013, however gratuity, D.C.R.G. and other pensionary benefits are yet not paid to the applicant solely on the ground that the Criminal Appeal against his acquittal is pending before the Hon'ble High Court. The applicant has therefore, approached this Tribunal by filing the present Original Application.

(V) O.A. No. 426/2023:-

(i) The applicant was appointed as Police Constable with the respondent No. 2 on 17.02.1978. He retired from the post of A.S.I. on 31.12.2010 from the office of respondent No. 2. On 04.01.2002 crime was registered against the applicant bearing Crime No. 3001/2022 u/s 7, 13(1)(d) read with 13(2) of Prevention of Anticorruption Act, 1988 at Ajintha, District Aurangabad. In view of registration of said crime, the applicant came to be suspended on 11/14.01.2002 (Annexure A-1).

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(ii) Meanwhile the charge sheet came to be filed before the Special Court, Aurangabad and same is registered as Special Case No. 11/2002. The applicant acquitted from the said Special Case by judgment and order dated 21.04.2005 (Annexure A-2). In view of acquittal from the Special Case, the applicant was reinstated in service by order dated 25.07.2005 (Annexure A-3) and posted at Police Head Quarter, Aurangabad.

(iii) The applicant came to be retired on 31.12.2010 from the post of A.S.I. from the office of respondent No. 2. After acquittal from the Criminal Case, the applicant was submitted application to the respondents to regularize his suspension period. The respondent No. 2 regularize the suspension period as duty period for all the purposes. In view of regularization of suspension period, the respondent No. 2 revised the pay of the applicant by the order dated 23.09.2022 (Annexure A-6).

(iv) Meanwhile, on 30.04.2005, the State has filed Criminal Appeal No. 673/2005 before the Hon'ble High Court challenging the judgment and order

//13// O.A. 1012/2022 & 4 Ors.

dated 21.04.2005 passed by the Special Court, Aurangabad in Special Case No. 11/2002. The said Criminal Appeal is pending before the Hon'ble High Court.

(v) The applicant has submitted application to the respondent No. 2 thereby requesting to pay him regular pension and other all retirement benefits. The respondent No. 2 paid the monetary benefits of suspension period to him in the month of May, 2023, but the regular pension and other benefits are not paid to him till today. Hence, the present Original Application.

6. Learned counsel for the applicants submits that in a case of **Ashfakali Khan Abdulali Khan Vs. The State of Maharashtra and Ors.** W.P. No. 6650/2020, decided on 25.10.2021, the Division Bench of the Hon'ble High Court of Bombay, Bench at Aurangabad in the identical facts of case partly allowed the petition with a rider that the petitioner shall tender an affidavit / undertaking to the respondent No. 3 Municipal Commissioner stating therein that if he suffers an adverse order in the

//14// O.A. 1012/2022 & 4 Ors.

pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he would be getting in view of this order. [b] After such affidavit is filed satisfying the above stated ingredients, the Corporation shall initiate steps for compliance of prayer clause "B" and ensure that such compliance is made within 12 (twelve) weeks from the date of the filing of such affidavit by the petitioner.

7. Learned counsel for the applicants submits that in terms of the said order passed by the Division Bench of the Hon'ble High Court of Bombay, Bench at Aurangabad, this Bench of the Tribunal in several O.As. with the identical issue, has adopted the same course of action and disposed of the same.

8. Learned Presenting Officer submits that as per Rule 130 of the Maharashtra Civil Services (Pension)

//15// O.A. 1012/2022 & 4 Ors.

Rules, 1982, the applicants are entitled for provisional pension only till the disposal of the criminal cases pending against them. The applicants are not entitled for pay and allowances as per Rule 72 of the Maharashtra Civil Services (Joining Time, Foreign Services and Payment During Suspension, Dismissal and Removal) Rules, 1981 (for short 'Rules of 1981') till final disposal of the cases against them. Learned P.O. submits that when the appeal filed by the State against the order of acquittal is pending before the Hon'ble High Court of Bombay, Bench at Aurangabad, the respondent has rightly rejected the request of the applicants for treating the suspension period etc. as per the rules quoted above. Learned P.O. submits that payment of the gratuity/ D.C.R.G. and other pensionary benefits cannot be made over to the applicants till the cases against them are finally decided in terms of Rule 130 of the Maharashtra Civil Services (Pension) Rules, 1982 and Rule 4 of the Maharashtra Civil Services (Commutation) Rules, 1984. Learned P.O. submits that all these Original Applications are liable to be dismissed with costs.

//16// O.A. 1012/2022 & 4 Ors.

9. It appears from the documents annexed to all these Original Applications that though crime under provisions of the Prevention of Corruption Act came to be registered against the applicant/s, he/ they came to be acquitted by the Sessions Court and at present only appeal against the acquittal preferred by the State is pending against him/them before the Hon'ble High Court of Bombay, Bench at Aurangabad.

10. In a case of **Ashfakali Khan Abdulali Khan** (cited supra) with the identical state of facts, the Hon'ble Division Bench by order dated 25.10.2021 has partly allowed the W.P. in terms of prayer clause-B with the rider. In para Nos. 3, 4 & 5, the Division Bench of Hon'ble High Court of Bombay, Bench at Aurangabad has made following observations :-

“3. It is settled Law that gratuity cannot be forfeited unless the offence amounting to moral turpitude is proved to have been committed by the petitioner, u/s 4, 6(d)(2) of the Payment of Gratuity Act, 1972 and in the light of the judgment delivered by the Hon'ble Apex Court in the matter of Union Bank of India and others Vs. C.G.Ajay Babu and another [(2018) 9 SCC 529].

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4. *The learned Advocate for the Corporation submits that the provisional pension is being granted to the petitioner. He, however, cannot point out any provision under the MCS (Pension) Rules, 1982 that an appeal pending against acquittal would empower the employer to hold back regular pension.*

5. *In the light of the facts as recorded above and keeping in view that an appeal against the acquittal is pending adjudication, the petitioner need not be made to suffer the rigours of litigation, though, we intend to pass an equitable order.”*

In view of above observations, the Division Bench has partly allowed the aforesaid Writ Petition and in terms of para No. 6, has passed the following order with rider :-

“6. In view of the above, this petition is partly allowed in terms of prayer clause “B” with the following rider :-

[a] The petitioner shall tender an affidavit /undertaking to respondent No.3 Municipal Commissioner stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent

//18// O.A. 1012/2022 & 4 Ors.

of the monetary reliefs that he would be getting in view of this order.

[b] After such affidavit is filed satisfying the above stated ingredients, the Corporation shall initiate steps for compliance of prayer clause "B" and ensure that such compliance is made within 12 (twelve) weeks from the date of the filing of such affidavit by the petitioner"

11. In the following Original Applications, this Tribunal has taken a similar view and disposed of O.As. which are as follows :-

- (i) O.A. No. 178/2021 (Nandkishor C. Ramdin Vs. the State of Maharashtra and Ors.), dated 11.11.2022.
- (ii) O.A. No. 17/2020 (Bapurao R. Patil Vs. The State of Maharashtra and Ors.), dated 28.06.2022.
- (iii) O.A. No. 7/2022 (Shaikh Anwar Abdul Kadar Vs. State of Maharashtra and Ors.), dated 22.11.2022.
- (iv) O.A. No. 322/2020 (Lilachand H. Patel Vs. The Collector & Anr.), dated 06.06.2022.
- (v) O.A. No. 31/2021 (Mumbai) (Pandurang B. Borate Vs. The State of Maharashtra and Anr.), dated 28.10.2021.

//19// O.A. 1012/2022 & 4 Ors.

12. So far as O.A. Nos.1012, 1013, 1014 & 1064 all of 2022 are concerned, the applicants therein are seeking direction in respect of their suspension period pursuant to their acquittal in the special cases and to make the payment of pay and allowances of the said period as per the Rule 72 (2)(3) & (4) of the Rules, 1981. So far as sub-rule (3) of Rule 72 of the Rules, 1981 is concerned, there is a rider to the effect that where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Government servant shall, subject to the provisions of sub-rule (8), be paid full pay and allowances to which he would have been entitled, had he not been suspended. There are some additional rider in terms of the proviso, which may not be relevant for the present discussion, but in terms of sub-rule (5) of Rule 72 of the Rules, 1981 in case other than those failing under sub-rule (2) and (3), the Government servant shall, subject to the provisions of sub-rule (8) and (9), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled, had he not been suspended, as the competent authority may

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determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection. Sub-rule (3)(4) & (5) of Rule 72 of the Rules, 1981 are reproduced herein below :-

“72. Re-instatement of a Government servant after suspension and specific order of the competent authority regarding pay and allowances etc. and treatment of period as spent on duty-

1.

2.

3. Where the authority competent to order re-instatement is of the opinion that the suspension was wholly unjustified, the Government servant shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall be paid of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

//21// O.A. 1012/2022 & 4 Ors.

4. *In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.*

5. *In cases other than those falling under sub-rules(2) and (3) the Government servant shall, subject to the provisions of sub-rules (8) and (9), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any submitted by him in that connection within such period which in no case shall exceed, as may be specified in the notice.”*

13. In view of the aforesaid provisions, discretion lies with the competent authority to decide as to whether the suspension was wholly unjustified or not and then pass the appropriate order in terms of the provisions as aforesaid. In view of above, no specific directions can be issued to the respondent No. 3 to pass the order in terms of Rule 72 (3) & (4) of the Rules, 1981.

14. So far as O.A. No. 426/2023 is concerned, the said period of suspension of the applicant is concerned the respondent authorities have already considered the same. In view of the same, the applicant has not made any specific prayer in this regard.

//22// O.A. 1012/2022 & 4 Ors.

15. In view of above discussions, I proceed to pass the following order :-

ORDER

(i) O.A. Nos. 1012, 1013, 1014 & 1064 all of 2022 and 426 of 2023 are partly allowed.

(ii) The applicants shall tender an affidavit/undertaking to respondents stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his/their acquittal is converted into conviction, he/they shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his /their right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he/they would be getting in view of this order.

(iii) After such affidavit is filed satisfying the above stated ingredients, the respondents shall initiate steps for remittance of admissible monetary benefits within 12 (twelve) weeks from the date of the filing of such affidavit by the applicants.

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(iv) The respondent No. 3 is hereby directed to take decision in respect of suspension period in terms of Rule 72(3), (4) & (5) of the Maharashtra Civil Services (Joining Time, Foreign Services and Payment During Suspension, Dismissal and Removal) Rules, 1981, as the case may be.

(v) In the circumstances, all these O.As. stand disposed of in the aforesaid terms. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 08.12.2023