

**M.A.NO.149/2019 IN O.A.ST.NO.413/2019
(Bharat Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.12.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 13-12-2021.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 01.12.2021

ORIGINAL APPLICATION NO.209/2014
(Shaikh Abdul Khaja Miyan Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **01.12.2021**

ORAL ORDER :

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

2. At the request of learned C.P.O., S.O. to **08-12-2021**.
3. It is being an old matter, be kept high on board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.530/2021
(Priya Awhad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.12.2021

ORAL ORDER :

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

2. Learned CPO has sought time to work out the matter. Time is granted.

3. S.O. to 06-01-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.303/2019 WITH 492/2019
(Shukracharya Tekale & Anr. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.12.2021

ORAL ORDER :

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

2. At the request and consent of both sides, S.O. to **13-12-2021.**

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.253/2020 & 254/2020
(Bapurao Bhosale & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.12.2021

ORAL ORDER :

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

2. At the request and consent of both sides, S.O. to **13-12-2021.**

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.304/2014
(Popat Bachkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.12.2021

ORAL ORDER :

Heard Shri M.C.Syed, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant as well as the learned P.O., S.O. to 14-12-2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.423/2018
(Rameshwar Gopal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.12.2021

ORAL ORDER :

Heard Shri S.B.Talekar, learned Advocate for the applicant as well as Smt. Nima Suryavanshi learned Advocate for respondent no.4, are **absent**.

Shri N.U.Yadav, learned Presenting Officer for the respondents is present.

2. None appears for the applicant. S.O. to 22-12-2021.

MEMBER (A)

MEMBER (J)

LATER ON :

3. Learned Advocate for the applicant appeared and filed a short affidavit. Same is taken on record. Copy thereof has been served on the other side.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.653/2018 WITH 654/2018
(Gorakshnath Londhe & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicants has argued that basic minimum qualification for the post of Forest Guard has been enhanced from 4th and 7th standard passed to SSC in 1987 whereas the applicants were appointed as Forest Guard from 1974 to 1985 or so, and therefore, the revised basic minimum qualification required for the post of Forest Guard may not be given retrospective effect and cannot be applied to the applicants. He has cited that the applicants have got first time bound promotion with effect from 08-06-1995. However, only at the time of granting them benefits under the Modified Assured Career Progression Scheme (in brief "MACPS"), Government Resolution dated 01-04-2010, that the benefits were not allowed despite the applicant having completed 24 years of service only on the ground that they do not possess SSC qualification and thus do not meet all criteria for promotion to next higher rank of Range Forest Officer.

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O.A.NO.653/2018 WITH 654/2018

3. Learned P.O. has strongly opposed the relief prayed for by the applicant and made reference to the order passed by the Principal Bench of the Tribunal at Mumbai in O.A.No.882/2012 dated 14-10-2013 in which the applicants who too belonged to the cadre of Forest Guard and not having SSC qualification had prayed for grant of benefits under "MACPS". After considering all the facts the Tribunal had passed order dismissing the O.A.No.882/2012. Relevant part of the order is reproduced from paper book page 105 of O.A.No.653/2018 as follows:

"10. The only argument provided by the said Applicants is that they may be given second benefit under A.C.P. as other similarly placed employees have got that benefit. It is seen that if second benefit of A.C.P. is provided to Forest Guards who do not have S.S.C. qualifications, it is in violation of Government policy and statutory rules. Such order, if passed by an authority cannot be cited as a precedent. Getting second benefit under A.C.P. by employees is not a right. It can be given only if he fulfills terms and conditions required for getting this benefit. Once a condition is relaxed for one group of employees, there may be demands for relaxation of other conditions also. Demands may also be made by other group of employees for relaxation of one or another condition. The proposition of the said

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O.A.NO.653/2018 WITH 654/2018

employees that they are entitled for relaxation in educational qualification is totally devoid of merit.

14. Having regard to the aforesaid facts and circumstances, the Original Application stands dismissed. There will be no order as to costs.”

4. Learned Advocate for the applicant has submitted a copy of subsequent communication made by Principal Chief Conservator of Forests, Maharashtra State, Nagpur with Secretary, Revenue & Forests Department, Mantralay Mumbai bearing no. कक्ष-१०(२)/आस्था/एक/प्र.क्र.५ (१५-१६)/२००, dated 10-10-2016. However, order passed by the Tribunal at Principal Bench at Mumbai in O.A.No.882/2012 has already settled issue involved on merit.

5. After considering all the facts on record and oral submissions made by both sides, we are of the considered opinion that, matter does not require interference as order passed by this Tribunal Bench at Nagpur in O.A.No.882/2012 dated 14-10-2013 hold good in the present matter also. Therefore, the O.A.No.653/2018 with O.A.No.654/2018 is hereby dismissed.

6. No order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.659/2019
(Vijay Suralkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.12.2021

ORAL ORDER :

Shri Ram S. Shinde (Barolkar), learned Advocate for the applicant is **absent**.

Shri M.P.Gude, learned Presenting Officer for the respondents is present.

2. When the matter is taken up for consideration, none caused appearance for the applicant. Record shows that, even in past, applicant has not taken any keen interest in prosecuting his matter.

3. Today, though we are not passing any adverse order, it is clarified that if matter is not worked out on the next date, it may be decided on that day or interim relief granted earlier may be vacated.

4. S.O. to 22-12-2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.1030/2019
(Dr. Jaya Dighe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.12.2021

ORAL ORDER :

Heard Ku. Anagha Pandit learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent nos.1 to 4, Shri Ashish B. Rajkar learned Advocate for respondent nos.5 to 12 and 14, Shri N.S.Choudhary learned Advocate for respondent no.13 and Shri A.S.Shelke learned Advocate for respondent no.5.

2. At the request and consent of the parties, S.O. to 24-12-2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.54/2020
(Bharatlal Dhupe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.12.2021

ORAL ORDER :

Heard Shri Kishor D. Khade, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents.

2. S.O. to 16-12-2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.217/2021
(Sunil Apte Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.12.2021

ORAL ORDER :

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

2. Arguments of both sides are heard at length. O.A. is allowed. Detail order to follow.

MEMBER (A)

MEMBER (J)

**M.A.NO.509/2017 IN O.A.ST.NO.1671/2017
(Sambhaji Patil Vs. State of Maharashtra & Ors.)**

**M.A.NO.510/2017 IN O.A.ST.NO.1672/2017
(Ravindra Wanhekar Vs. State of Maharashtra & Ors.)**

**M.A.NO.511/2017 IN O.A.ST.NO.1673/2017
(Mangesh Gurav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.12.2021

ORAL ORDER :

Heard Shri Nitiin K. Choudhari, learned Advocate for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer, Smt. Deepali Deshpande and Smt. M.S.Patni learned Presenting Officers for the respondents in respective cases.

2. At the request of learned Advocate for the applicant, S.O. to 08-12-2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1090 OF 2019
(Suresh B. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

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

2. Learned Presenting Officer placed on record a copy of communication dated 30.11.2021 stating that the proposal for age relaxation of the applicant is pending before the Social Justice and Special Assistance Department. Same is taken on record and marked as document 'X' for the purpose of identification. He submits some positive decision is expected from the respondents.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.

4. S.O. to 11.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 56 OF 2020
(Anil S. Barkul Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

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

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

3. S.O. to 12.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 510 OF 2020
(Priyadarshi S. Maske Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Shri V.S. Panpatte, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Await service of notices on the respondents.

3. As none present for the applicant, S.O. to 14.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 586 OF 2020
(Sonaji K. Barhate Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent No. 1 and Shri N.U. Yadav, learned Advocate for respondent Nos. 2 and 3.

2. At the request of learned Presenting Officer for the respondent No. 1 and learned Advocate for respondent Nos. 2 and 3, time is granted for filing affidavit in reply.

3. S.O. to 13.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 30 OF 2021
(Kedarnath R. Budhwant Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant filed affidavit in rejoinder. Same is taken on record and copy thereof has been served on the other side.
3. S.O. to 13.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 131 OF 2021
(Vilas N. Shahane Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant placed on record bunch of documents under list. Same are taken on record and marked as document 'X collectively' for the purpose of identification. He submits that the copies of said documents are already sent to the respondents by post.

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

4. S.O. to 10.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 193 OF 2021
(Dr. Govardhan S. Doifode Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri U.B. Bondar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, time is granted for filing sur-rejoinder to the rejoinder affidavit filed by the applicant.
3. S.O. to 07.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 336 OF 2021
(Raosaheb S. Bhosale Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 1 and Shri Shamsundar Patil, learned Advocate for respondent Nos. 2 and 3.

2. At the request of learned Presenting Officer for the respondent No. 1 and learned Advocate for the respondent Nos. 2 and 3, time is granted for filing affidavit in reply.

3. S.O. to 10.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 236 OF 2021
(Vikram G. Garje Vs. State of Maharashtra & Ors.)**

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 10.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 459 OF 2021
(Rameshwar B. Khanal Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

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

2. In view of the order dated 29.10.2021, marked as document 'X' placed on record by the learned Presenting Officer, the impugned order of transfer of the applicant from Osmanabad to Crime Investigation Department (CID) is cancelled.

3. In view of the same, nothing remains to be decided in the present Original Application. Hence, the Original Application stands disposed of accordingly with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 527 OF 2021
(Devidas S. Gadekar Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

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

2. At the request of learned Chief Presenting Officer for the respondents, time is granted as a last chance for filing affidavit in reply.
3. S.O. to 03.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 528 OF 2021
(Asaram B. Bilpe Vs. State of Maharashtra & Ors.)**

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, time is granted as a last chance for filing affidavit in reply.
3. S.O. to 03.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 16 OF 2017

(Shaikh Mukhtyar Shaikh Noor Ali Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri P.D. Bodade, learned Advocate holding for Shri M.D. Godamgaonkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 17.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 138 OF 2017
(Babu J. Phule Vs. State of Maharashtra & Ors.)**

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri P.D. Bodade, learned Advocate holding for Shri M.D. Godamgaonkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 17.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 241 OF 2019
(Chandrakant P. Patange & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent No. 1 and Shri S.B. Mene, learned Advocate for respondent Nos. 2, 3 & 5. Shri G.N. Patil, learned Advocate for respondent No. 4, **absent**.

2. Considering the farad sheet orders dated 24.09.2021 and 26.10.2021, it transpires that the short affidavits from the applicants, as well as, respondents would be necessary to be produced on record to explain facts and documents, if any.

3. At the request of learned Advocate for the applicants and learned Advocate for respondent Nos. 2, 3 & 4, time is granted for filing short affidavit.

4. S.O. to 23.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 512 OF 2020
(Subhash L. Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 01.12.2021

ORAL ORDER :

Shri S.C. Bhosle, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 14.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 186 OF 2021
(Namdeo A. Fad Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

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

2. Pleadings up to rejoinder affidavit are complete. The present matter is pertaining to recovery. Hence, the O.A. is admitted and it be kept for final hearing on 07.01.2022.

3. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 189 OF 2021
(Sakharam C. Kashid Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent No. 1 and Shri Sanket Jadhav, learned Advocate holding for Shri Shamsundar B. Patil, learned Advocate for respondent Nos. 2 to 4.

2. Pleadings up to rejoinder affidavit are complete. The present matter is pertaining to recovery. Hence, the O.A. is admitted and it be kept for final hearing on 10.01.2022.

3. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 214 OF 2021
(Ramnath N. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 1 and Shri Sanket Jadhav, learned Advocate holding for Shri Shamsundar B. Patil, learned Advocate for respondent Nos. 2 & 3.

2. Pleadings up to rejoinder affidavit are complete. The present matter is pertaining to recovery / refund of recovery amount. Hence, the O.A. is admitted and it be kept for final hearing on 10.01.2022.

3. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 565 OF 2021
(Anil V. Chatlawar Vs. State of Maharashtra & Ors.)**

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

DATE : 01.12.2021

ORAL ORDER :

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

2. Pleadings up to rejoinder affidavit are complete. The present matter is pertaining to transfer. Hence, the O.A. is admitted and it be kept for final hearing on 04.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.138 OF 2019
(Dnyanoba K. Ovhal Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The present matter is closed for order.

MEMBER (J)

ORAL ORDERS 01.12.2021-SAS

ORIGINAL APPLICATION NO.532 OF 2021
(Kaviraj J. Kucche Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos.1 & 2 and Shri N.B. Narwade, learned Advocate for the respondent No.3.

2. During the course of arguments, learned Advocate for the applicant referred to affidavit-in-reply filed on behalf of the respondent Nos.1 & 2.

3. Perusal of the said affidavit-in-reply would show that the contention is raised on behalf of the respondent Nos.1 & 2 that the meeting of Civil Services Board-1 was held on 30.08.2021 under the chairmanship of Additional Chief Secretary (Soil and Water Conservation) for promotion to the post of District Water Conservation Officer (Civil) by video conference.

4. At another place, it is also mentioned that as per recommendation of Civil Services Board and the approval given by competent authority i.e. Hon'ble Chief Minister, Respondent No.3 has been promoted to

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the vacant post of District Water Conservation Officer, Soil and Water Conservation Department, Jalna.

5. This contention raised in affidavit-in-reply raises question as to whether the Civil Services Board -1 is the competent committee to decide the promotion on the post of District Water Conservation Officer (Civil).

6. Learned C.P.O. for the respondents submits that Civil Services Board is only concerned with the transfer and not promotion and therefore, in that regard explanatory affidavit will be filed on behalf of the respondent Nos.1 & 2 and he seeks time for that.

7. Learned Advocate for the applicant strongly opposed for filing such additional affidavit contending that the respondents want to prolong the matter.

8. Learned Advocate for the respondent No.3 submits that he has no objection for filing such additional affidavit.

9. The applicant has filed this Original Application challenging his impugned transfer order dated 07.09.2021 (Annex. 'A-2') raising serious contentions

of irregularities and his further contention is that the impugned order is punitive. He has also challenging the transfer order of the respondent No.3 (Annex. 'A-2' collectively) whereby the respondent No.3 is transferred on the post held by the applicant.

10. In the circumstances, the Tribunal is required to deal with both the orders. It seems that the promotion of respondent No.3 is at or around the same period when the transfer order is issued.

11. In such circumstances, clarification from respondents about the doubtful/ambiguous contention raised in the affidavit-in-reply is required and therefore, it would be just and proper to grant time to respondent Nos.1 & 2 to file additional short explanatory affidavit.

12. Learned Advocate for the applicant at this stage submitted that on page no.88 of the said affidavit the contention is raised that department has prepared a list of transferable Group-A and Group-B (Gazetted) Officers working under this department in the year 2021-2022 and as per their requests transfers/special

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O.A.532/2021

transfers have been made after approval of the competent authorities.

13. The respondent can enlighten on this aspect also.

14. In view of above, S.O. to 10.12.2021.

MEMBER (J)

ORAL ORDERS 01.12.2021-SAS

ORIGINAL APPLICATION NO.247 OF 2017

(Dr. Mohammed Fazalul Haq Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 to 4, 6 & 8 and Shri Ramraje Deshmukh, learned Advocate holding for Shri S.V. Deshmukh, learned Advocate for the respondent No.5. Shri Sachin Deshmukh, learned Advocate for the respondent No.7 is **absent**.

2. Perusal of record shows that since 27.06.2019 this matter is pending for compliance of letter dated 26.06.2019 issued by the respondent No.5.

3. Learned Advocate for the applicants submits that letter dated 26.06.2019 is undertaking given by the respondent No.5 and it is not complied with.

4. On the other hand, learned Advocate for the respondent No.5 places on record the copy of communication dated 03.12.2019 received from the respondent No.5 whereby the services of the applicant

//2//

O.A.247/2017

have been continued during the period of 02.01.1884 to 12.08.1987 and the service book of the applicant is sent to the concerned office for pay verification vide letter dated 16.09.2019. Thereafter remainders are also given. The copy of said communication is taken on record. It is marked as document 'X' for the purpose of identification.

5. Learned Advocate for the respondent No.5 further submits that today he has received communication dated 01.12.2021 on his mobile stating that necessary further steps would be taken for revising pension of the applicant within eight days. The copy of the said communication is also taken on record and marked as document 'X-1' for the purpose of identification.

6. In view of same, S.O. to 04.01.2022.

MEMBER (J)

ORAL ORDERS 01.12.2021-SAS

ORIGINAL APPLICATION NO.932 OF 2017
(Walmik L. Kande Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

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

2. Record shows that as per order dated 09.10.2019 passed in farad sheet, the respondents were directed to produce relevant documents on record showing recalling the order of dismissal and reinstatement.

3. In this regard, learned Advocate for the applicant submits that the matter revolves around Rule 70 (2) & (3) and Rule 72 (3) & (4) of Maharashtra Civil Services (Joining Time, Foreign Service and Payments During Suspension, Dismissal and Removal) Rules, 1981.

4. The order of dismissal of applicant was dated 01.03.2002 in the background of conviction order of the applicant dated 31.1.2002 passed in Special Case No.2/2000. The said order of conviction was set aside in criminal appeal preferred by the applicant before the Hon'ble High Court of judicature of Bombay Bench at Aurangabad vide order dated 5.8.2015.

//2//

O.A.932/2017

5. The impugned order dated 14.09.2016 (Annex. 'A-12') arises out of requisite representation made by the applicant pursuant to his acquittal, seeking necessary benefit. In view of same, the record may not be essential.
6. Learned P.O. for the respondents submits that he would take necessary instructions in that regard.
7. From the facts on record it appears that the matter can proceed with on the basis of whatever documents which are produced on record.
8. In view of above, S.O. to 06.01.2022.

MEMBER (J)

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

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

DATE : 01.12.2021

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 10.01.2022.

MEMBER (J)

ORAL ORDERS 01.12.2021-SAS

ORIGINAL APPLICATION NO.1062 OF 2019
(Bhau M. Khade Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Smt. Priaya R. Bharaswadkar, learned Advocate holding for Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. During the course of arguments it transpires that the applicant came with the case that he is working on the post of Paharekari for 28 years and he is not promoted. Therefore, benefit of Assured Career Progression Scheme (A.C.P.) was granted to him earlier by order dated 16.10.2002 (Annex. 'A-2') granting pay scale of Rs.2610 to 4000/- in the place of his pay scale of Paharekari of Rs.2550/- to 3200/-. By subsequent order dated 26.10.2005 (Annex. 'A-3') benefit given by order dated 16.10.2002 was cancelled and in place of that A.C.P. was granted in the enhanced pay scale of Rs.4500/- to 7000/-.

3. Thereafter, by impugned order dated 18.09.2014 (Annex. 'A-10'), recovery is ordered stating that excess payment was made due to wrong pay fixation.

//2//

O.A.1062/2019

4. In view of same, it is to be examined as to whether or not there is promotional post above the post of Paharekari and what is the pay scale of such post, if any, in order to consider the case of the applicant.
5. In order to appreciate facts of the case, the learned P.O. to enlighten on this aspect by filing short affidavit.
6. Learned P.O. submits that he would seek necessary instructions from the concerned respondents and he would place on record the status.
7. In view of above, S.O. to 10.12.2021.

PMEMBER (J)

ORAL ORDERS 01.12.2021-SAS

ORIGINAL APPLICATION NO.20 OF 2021
(Ramraj S. Chandane Vs. State of Maharashtra & Ors.)

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

DATE : 01.12.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 20.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.79 OF 2021
(Anil S. Puranik Vs. State of Maharashtra & Ors.)**

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

DATE : 01.12.2021

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 17.12.2021.

MEMBER (J)

ORAL ORDERS 01.12.2021-SAS

Date : 1.12.2021

ORIGINAL APPLICATION NO. 700 OF 2021

(Somnath S. Reddy V/s State of Maha. & Ors.)

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

1. Shri Avinash S. Deshmukh, learned Advocate 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 5.1.2022. The case be listed for admission hearing on **5.1.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 1.12.2021

ORIGINAL APPLICATION NO. 758 OF 2021

(Suhas Anand Pathak V/s State of Maha. & Ors.)

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

1. Shri Rahul O. Awasarmol, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 12.1.2022. The case be listed for admission hearing on **12.1.2022**.
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

C.P. 36/2019 IN O.A. 229/2015
(Dr. Bhaskar S. Borgaonkar Vs. State of Maha. & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 1.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit to the affidavit in reply of the respondents. It is taken on record and copy thereof has been supplied to learned C.P.O. for the respondents.

3. Learned C.P.O. sought time for filing sur-rejoinder of the respondents. Time granted.

4. S.O. to 6.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 1.12.2021

**C.P. 37/2019 IN O.A. 230/2015
(Dr. Dilip Ramkrishanrao Tandale Vs. State of Maha. &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit to the affidavit in reply of the respondents. It is taken on record and copy thereof has been supplied to learned P.O. for the respondents.

3. Learned P.O. sought time for filing sur-rejoinder of the respondents. Time granted.

4. S.O. to 6.1.2022.

MEMBER (A)

MEMBER (J)

**C.P. 41/2019 IN O.A. 25/2018
(Sachin R. Salve Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

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

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

3. S.O. to 23.12.2021.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 1.12.2021

**C.P. 43/2019 IN M.A. 97/2012 IN O.A. 817/2011
(Dharmpal V. Dethe Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 & 2. Shri D.T. Devane, learned Advocate for respondent no. 3 (**absent**).

2. It appears from the record that affidavit in reply of respondent no. 3 is awaited in the present case. Today the learned Advocate for the respondent no. 3 is absent.

3. In the circumstances, S.O. to 7.1.2022 for filing affidavit in reply by the respondent no. 3.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 259/2021
(Megharani P. Tarkase & Ors. Vs. State of Maha. & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **1.12.2021**

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned C.P.O. sought time for filing affidavit in reply of the respondents. Time granted.

4. S.O. to 1712.2021. The I.R. granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 1.12.2021

**C.P. 2/2021 IN O.A. 984/2018
(Jaiprakash L. Waghmare Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Smt. Anita A. Gadekar, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.D. Dhongde, learned Advocate for respondent no. 4.

2. Shri Dhongde, learned Advocate appearing for the respondent no. 4 submits that the concerned Officer is presently on training and therefore the order dated 12.2.2020 passed by this Tribunal in O.A. no. 984/2018 has not been complied with. He further submits that there is no hurdle in complying with the order in question and by the next returnable date the said order will be complied with by the respondents positively.

3. In the above circumstances, S.O. to 4.1.2022.

4. We deem it proper to make it clear that, if by the next date the order passed by the Tribunal in O.A. is not complied with by the respondents, this Tribunal will take necessary action against the erring Officer/s.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 640/2021
(Maharashtra Rajya Nagar Parishad, Nagar Panchayat
Karmachari / Sanwarg Karmachari Sanghatana Vs.
State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

Shri R.K. Ashtekar, learned Advocate for the applicants (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. Today none is present for the applicant. On going through the record of the present matter, it reveals that the respondents are not served with notice of this Tribunal.

3. In the circumstances, S.O. to 10.1.2022 awaiting service of notice upon the respondents.

MEMBER (A)

MEMBER (J)

**M.A. 242/2021 IN O.A. 299/2019
(Rahul T. Pol & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned P.O. has filed affidavit in reply of respondent nos. 1 to 3 in the present M.A. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicants.

4. In the above circumstances, S.O. to 5.1.2022 for filing rejoinder affidavit, if any, by the applicants.

MEMBER (A)

MEMBER (J)

**M.A. 613/2019 IN O.A. ST. 2401/2019
(Mallikarjun D. Deshmane Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. M.A. No. 613/2019 has been filed by the applicant for condonation of 7 years, 1 month and 4 days' delay caused in filing the accompanying O.A.

3. Though the present M.A. is seriously opposed by the respondents stating that the reasons mentioned by the applicant are insufficient to condone the delay caused in filing the accompanying O.A., having regards to the circumstances mentioned in the M.A., we are inclined to condone the said delay, so that the applicant may get an opportunity to prosecute the O.A. Hence, we proceed to pass the following order :-

ORDER

(i) M.A. No. 613/2019 stands allowed and the delay of about 7 years, 1 month & 4 days caused in

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M.A. 613/2019 IN O.A. ST. 2401/2019

filing accompanying O.A. is condoned. There shall be no order as to costs.

(ii) Registry to register the accompanying O.A. on its due scrutiny.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 1.12.2021

O.A. ST. 2401/2019
(Mallikarjun D. Deshmane Vs. State of Maha. & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 1.12.2021

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 14.1.2022.

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

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

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

::-2-::

O.A. ST. 2401/2019

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 14.1.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 1.12.2021

**M.A. 273/2020 WITH M.A. ST. 1289/2021 IN O.A. ST.
684/2020
(Vasant B. Shinde Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

Shri M.R. Kulkarni, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, is present.

2. Learned Presenting Officer has sought time for filing affidavit in reply of the respondents in the present M.A. Time granted as a last chance.

3. S.O. to 6.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 1.12.2021

ORIGINAL APPLICATION NO. 742/2021
(Dr. Pratap H. Salve & Ors. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 1.12.2021

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate holding for Shri Ashwin V. Sakolkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 2.12.2021.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 1.12.2021

**ORIGINAL APPLICATION NO. 1104/2019
(Akshay J. Murme Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

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

2. Shri Munde, learned Advocate, on instructions from the applicant submits that in view of the order dated 28.1.2020 passed by the Division Bench of the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in writ petition No. 1775/2020 the purpose of filing the present O.A. has been served. He has, therefore, sought permission to withdraw the present O.A.

3. In view of the above submissions of the learned Advocate for the applicant, the present O.A. stands disposed of as withdrawn. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 7094/2017
(Ramesh M. Sonawane Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

Shri P.R. Rakhunde, learned Advocate for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. Learned Presenting Officer has sought time for filing affidavit in reply of respondents to the amended O.A. Time granted.

3. S.O. to 6.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 1.12.2021

**ORIGINAL APPLICATION NO. 786/2017
(Kailash A. Pardeshi Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar the additional affidavit in reply of the respondent no. 1. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant.

3. S.O. to 17.1.2022 for enabling the learned Advocate for the applicant to go through the additional reply of respondent no. 1 and advance his arguments.

MEMBER (A)

MEMBER (J)

C.P. 30/2019 IN O.A. 526/2011

**(Mohd. Azizullah Khan, since dead through his widow
Smt. Qusiya Shameem M.A. Khan Vs. State of Maha. &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 10.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 1.12.2021

**ORIGINAL APPLICATION NO. 529/2021
(Kishor N. Salve Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents in the M.A. Time granted.

3. S.O. to 11.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 1.12.2021

**M.A. 358/2015 IN O.A. 238/2015
(Dinesh S. Joshi Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

Shri R.J. Godbole, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 15.12.2021.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 1.12.2021

**M.A. 335/2021 WITH M.A. 336/2021 IN O.A. 242/2018
(Sayeeda Begum Syed Mohammad Ali (Died), through L.Rs. Libana
Parvin Shaikh Chand & Anr. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

Heard Smt. T.W. Pathan, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. M.A. no. 335/2021 has been filed by the applicants for condonation of delay of 4 months caused in filing the accompanying M.A. 336/2021 for setting aside the abatement and bringing L.Rs. of deceased applicant, Sayeeda Begum Syed Mohammad Ali, on record of O.A. no. 24/2018.

3. Perused the application. Considered the contentions.

4. For the reasons mentioned in M.A. no. 335/2021, it is allowed and the delay of 4 months caused in filing M.A. No. 336/2021 for setting aside the abatement and bringing on record the L.Rs. of deceased applicant, Sayeeda Begum Syed Mohammad Ali, on record of O.A. no. 24/2018, is condoned. There shall be no order as to costs.

MEMBER (A)

ARJ ORAL ORDERS 1.12.2021

MEMBER (J)

M.A. 336/2021 IN O.A. 242/2018

(Sayeeda Begum Syed Mohammad Ali (Died), through L.Rs. Libana Parvin Shaikh Chand & Anr. Vs. State of Maha. & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

Heard Smt. T.W. Pathan, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. M.A. no. 336/2021 has been filed by the applicants for bringing L.Rs. of deceased applicant, Sayeeda Begum Syed Mohammad Ali, on record of O.A. no. 242/2018.

3. Perused the application. Considered the contentions.

4. For the reasons mentioned in M.A. no. 336/2021, it is allowed with no costs.

5. The learned Advocate is permitted to bring on record of O.A. No. 242/2018 the L.Rs. of deceased applicant - Sayeeda Begum Syed Mohammad Ali. The said amendment be carried out within a period of one week and amended copy of O.A. be supplied to other side. There shall be no order as to costs.

MEMBER (A)

ARJ ORAL ORDERS 1.12.2021

MEMBER (J)

O.A. 242/2018

(Sayeeda Begum Syed Mohammad Ali (Died), through L.Rs. Libana Parvin Shaikh Chand & Anr. Vs. State of Maha. & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 1.12.2021

ORAL ORDER :

Heard Smt. T.W. Pathan, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. With the consent of both the sides, the present O.A. be placed for final hearing on 22.12.2021.

MEMBER (A)

ARJ ORAL ORDERS 1.12.2021

MEMBER (J)