

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

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

DATE : 11.06.2021

ORAL ORDER :

Shri Kishor Khade, learned Advocate for the applicant is **absent**. Shri S.K.Shirse learned Presenting Officer for the respondents is present.

2. None present on behalf of the applicant. Learned P.O. for the respondents seeks time for filing reply. Time granted.

3. S.O. to 16-07-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.71/2020
(Bharatsing Patil Vs. State of Maharashtra & Ors.)

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

DATE : 11.06.2021

ORAL ORDER :

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

2. Record shows that pleadings are complete. The applicant is claiming relief of interest on the delayed payment of monetary retirement benefits. Considering the same, this case is fixed for hearing at the stage of admission.

3. S.O. to 02-07-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.210/2020
(Suresh Halikar Vs. State of Maharashtra & Ors.)

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

DATE : 11.06.2021

ORAL ORDER :

Heard Shri D.V.Khillare, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply is filed on behalf of respondent no.3. Learned P.O. submits that affidavit in reply of other respondents is necessary and she seeks time to file reply. Time is granted.

3. S.O. to 02-07-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.566/2020
(Nathu Khadtare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.06.2021

ORAL ORDER :

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

2. Learned P.O. seeks time for filing reply. Time is granted.

3. S.O. to 06-07-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.172/2021
(Baliram Pandule Vs. State of Maharashtra & Ors.)

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

DATE : 11.06.2021

ORAL ORDER :

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

2. Learned P.O. seeks time for filing reply. Record shows that longer date was given for filing reply. Respondents to take note of the same and file reply on the next date.

3. S.O. 30-06-2021.

4. Interim relief granted earlier to continue till next date.

MEMBER (J)

ORIGINAL APPLICATION NO.427/2019
(Ranjeet Savale [Dhangare] Vs. State of Maharashtra & Ors.)

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

DATE : 11.06.2021

ORAL ORDER :

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

2. By consent of both parties, S.O. to 06-07-2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 264 OF 2021
(Sapna D. Nikam Vs. State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 11.06.2021

ORAL ORDER :

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

2. The Applicant applied for the post of Staff Nurse pursuant to the advertisement published on 22.02.2019 by the Respondent No.4. She applied through 50% private collage quota and also falling under physically handicapped category.

3. The Applicant was selected from the said quota but during the verification of documents, it was found that the disability of low vision contended by the Applicant is not covered and therefore, by impugned letter dated 02.06.2021 Anx. 'A-6', she was informed that appointment cannot be given to her and they intend to call for next eligible candidate of the disability category from merit list.

4. It is contention of the Applicant that claim of the Applicant is rejected by taking recourse of the repealed Act namely the provision of Persons with Disabilities Act (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

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5. Learned C.P.O. for the Respondents submits that he has to seek instructions from the Respondents as to why the repealed Act has been referred, to deny appointment of the Applicant.

6. Considering the facts and circumstances as discussed above and purport of impugned letter dated 02.06.2021, in my opinion, it is just and proper to grant ad-interim relief in terms of prayer clause 'E' till filing of reply of the Respondents in order to avoid multiplicity of proceedings. Order accordingly.

7. Issue notices to the respondents, returnable on 05.07.2021.

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

9. 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.

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

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11. 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.
12. S.O. to 05.07.2021.
13. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

C.P.NO.01/2019 IN O.A.NO.534/2014
(Madhukar S. Ingale Vs. State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 11.06.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Petitioner (Or. Applicant) and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Petitioner (Org. Applicant) submitted that during the pendency of the present Contempt Petition No.01/2019, the Respondents have complied with the order dated 07.04.2018 Anx. 'A-1' page no.9 of the paper book passed in O.A.No.534/2024.

3. In view of the said, there is no grievance of the Applicant in that respect.

4. In view of above, the Contempt Petition No.01/2019 stands disposed of as the order in question dated 07.04.2018 passed in O.A.No.534/2014 is fully complied. No order as to costs.

MEMBER (J)

C.P.NO.53/2019 IN O.A.NO.207/2018
(Dr. Vijay P. Sonavne Vs. State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 11.06.2021

ORAL ORDER :

Heard Shri Jayant S. Deshmukh, learned Advocate for the Petitioner (Org. Applicant) and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Record shows that affidavit-in-reply is filed on behalf of the Respondent No.3.

3. Learned P.O. for the Respondents submits that Writ Petition Bearing No.1556/2021 is filed by the Respondents challenging the order in question dated 29.10.2018 passed in O.A.No.207/2018.

4. Learned Advocate for the Petitioner (Org. Applicant) submits that similar matters are placed before this Tribunal on 13.07.2021.

5. In view of the same, the present case is fixed on 13.07.2021.

MEMBER (J)

C.P.NO.57/2019 IN O.A.NO.335/2017
(Dr. Ganpati H. Wadekar Vs. State of Maharashtra & Ors.)

CORAM : Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 11.06.2021

ORAL ORDER :

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

2. Learned P.O. for the Respondents submits that Writ Petition Bearing No.1560/2021 is filed by the Respondents challenging the order in question dated 29.10.2018 passed in O.A.No.335/2017.

3. Learned Advocate for the Petitioner (Org. Applicant) submits that similar matters are placed before this Tribunal on 13.07.2021.

4. In view of the same, the present case is fixed on 13.07.2021.

MEMBER (J)

C.P.NO.58/2019 IN O.A.NO.23/2018
(Dr. Archana C. Pergulwar Vs. State of Maharashtra & Ors.)

CORAM : Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 11.06.2021

ORAL ORDER :

Heard Shri Jayant S. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned P.O. for the Respondents submits that Writ Petition Bearing No.1558/2021 is filed by the Respondents challenging the order in question dated 29.10.2018 passed in O.A.No.23/2018.

3. Learned Advocate for the Petitioner (Org. Applicant) submits that similar matters are placed before this Tribunal on 13.07.2021.

4. In view of the same, the present case is fixed on 13.07.2021.

MEMBER (J)

C.P.NO.59/2019 IN O.A.NO.423/2017
(Dr. Pandurang G. Pawde Vs. State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 11.06.2021

ORAL ORDER :

Heard Shri Jayant S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned P.O. for the Respondents submits that Writ Petition Bearing No.1562/2021 is filed by the Respondents challenging the order in question dated 29.10.2018 passed in O.A.No.423/2017.

3. Learned Advocate for the Petitioner (Org. Applicant) submits that similar matters are placed before this Tribunal on 13.07.2021.

4. In view of the same, the present case is fixed on 13.07.2021.

MEMBER (J)

C.P. NO. 8/2021 IN T.A. 2/2021 (W.P. 115/2016)
(Abhay G. Sanap Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 11.6.2021

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent No. 1 and Shri M.B. Kolpe, learned Advocate for respondent No. 2.

2. Learned Advocate for the respondent No. 2 submits that Review Petition is filed by the respondent No. 2 in respect of the order dated 12.2.2021 passed by the principal seat of this Tribunal at Mumbai in T.A. 1/2016 (W.P. No. 115/2016). He submits that the said Review Petition is under office objections. In view of the same, he seeks time for filing affidavit in reply of respondent No. 2 in the present C.P.

3. Learned Advocate for the applicant objected for granting time to the respondent no. 2 for filing affidavit in reply and stated that the respondent no. 2 is deliberately avoiding to comply the order dated 12.2.2021 passed by the principal seat of this Tribunal at Mumbai in T.A. 1/2016 (W.P. No. 115/2016).

4. Considering the above facts and circumstances, time is granted to the respondent no. 2 for filing affidavit in reply in the present C.P.

5. S.O. to 28.6.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 385/2019
(Suresh U. Nande Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 11.6.2021

ORAL ORDER :

Shri P.B. Rakhunde, learned Advocate for the applicant (**absent**). Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 13.7.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 183/2021
(Satyajeet M. Ambhore Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 11.6.2021

ORAL ORDER :

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

2. Learned C.P.O. for the respondents submits that he has still not received instructions regarding 32 appointments made by the respondents on compassionate ground as per the pleadings of the applicant. He seeks further time for taking instructions from the respondents on the above line and also for filing affidavit in reply of respondent nos. 1 & 2. Such a lack response on behalf of the respondents is not desirable. However, in the interest of justice, this Tribunal grants time to the respondents for giving instructions to the learned C.P.O. and also for filing affidavit in reply of respondent Nos. 1 & 2.

3. In view of above, S.O. to 25.6.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 374/2018
(Girish B. Deshmukh Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 11.6.2021

ORAL ORDER :

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

2. Division Bench is not available today.
3. With the consent of both the sides, S.O. to 6.7.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 171/2019
(Dr. Vaishali R. Jadhav Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 11.6.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 3. Shri B.N. Gadegaonkar, learned Advocate for respondent No. 4 (**absent**).

2. Division Bench is not available today.

3. With the consent of learned Advocate for the applicant and learned Presenting Officer for respondent nos. 1 to 3, S.O. to 7.7.2021 for final hearing.

MEMBER (J)

M.A. 151/2021 IN O.A. ST. 584/2021
(Nanda v. Solanki & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 11.6.2021

ORAL ORDER :

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

2. By filing M.A. No. 151/2021 the applicants are seeking leave of this Tribunal to sue jointly the accompanying O.A.

3. The applicants preferred the accompanying common O.A. bearing St. No. 584/2021 assailing one and the same action of respondent No. 3 and prayed for quashment of communication dated 1.2.2020 (Annex. A-8 page 32 of paper book of O.A.) issued by the respondent No. 3 and further prayed for issuance of directions to the respondent no. 3 for including the name of applicant No. 2 – Shri Harshal s/o Vijaysingh Solanki – in the list of compassionate appointment seekers and also for giving him appointment on compassionate ground.

4. The applicants are seeking one and the same relief. Learned Advocate for the applicants submits that, in fact, the claim of applicant No. 2 is pleaded, but the impugned communication is received by the applicant No. 1.

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5. Considering the above facts and circumstances of the case, it would be just and proper to grant leave to the applicants to sue jointly the accompanying O.A., subject to payment of requisite court fees.

6. Accordingly, M.A. is allowed and disposed of. There shall be no order as to costs.

7. Office to register the accompanying O.A. on its due scrutiny.

MEMBER (J)

O.A. ST. 584/2021

(Nanda v. Solanki & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 11.6.2021

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 8.7.2021.

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.

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O.A. ST. 584/2021

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

7. S.O. to 8.7.2021.

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

MEMBER (J)