

ORIGINAL APPLICATION NO.1074/2019
(Ashok Gadekar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

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

2. Learned C.P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 27-04-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO.304/2018
(Sudhakar Mangalkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri A.M.Nagarkar learned Advocate holding for Shri K.M.Nagarkar learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 19-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO.761/2018
(Shivaji Dadge Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri S.P.Dhoble learned Advocate holding for Shri A.V.Patil Indrale learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

Shri S.B.Sontakke learned Advocate for respondent no.5 is **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 20-04-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO.718/2018
(Balasaheb Kadam Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri S.G.Kulkarni learned Advocate holding for Shri Ajay Deshpande learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 21-04-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO.49/2018
(Ravindra Sapkale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri V.M.Vibhute learned Advocate holding for Shri H.P.Randhir learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 27-04-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO.629/2019

(Masrat Begum wd/o. late Mohammad Mazrul Haq Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. Pleadings are complete. Case is admitted. It may be kept for final hearing.

3. S.O. to 21-04-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO.192/2019
(Kashinath Soundalkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri S.B.Mene learned Special Counsel for respondents.

2. Learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time is granted as a last chance.

3. S.O. to 23-04-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO.193/2019
(Vitthal Ghane Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri S.B.Mene learned Special Counsel for respondents.

2. Learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time is granted as a last chance.

3. S.O. to 23-04-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO.194/2019
(Ramkisan Bagal Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri S.B.Mene learned Special Counsel for respondents.

2. Learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time is granted as a last chance.

3. S.O. to 23-04-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO.27/2020
(Ashish Vaishnav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Shri M.M.Kadtu learned Advocate for the applicant is **absent**. Shri M.P.Gude learned Presenting Officer for the respondents is present.

2. None appears for the applicant. On previous dates also none appeared for the applicant. It seems that the applicant is not interested in prosecuting the matter. Hence, the O.A. is dismissed in default.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO.130/2020
(Vishnu Ghuge Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri D.T.Devane learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. At the request of leaned Advocate for the applicant to satisfy the Tribunal on the point of limitation. Time is granted.

3. S.O. to 16-04-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO.131/2020
(Ratan Narwade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri D.T.Devane learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. At the request of leaned Advocate for the applicant to satisfy the Tribunal on the point of limitation. Time is granted.

3. S.O. to 16-04-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

M.A.NO.567/2019 IN O.A.ST.NO.2091/2019
(Baburao Kamble Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri Shakil Shaikh learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to file application for amendment. Four weeks' time is granted.
3. Case be removed from the board.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

M.A.NO.19/2020 IN O.A.ST.NO.1893/2019
(Shivgir Giri Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri Sanjay Kumar Chavan learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. On perusal of the case, it seems that the applicant has not calculated the delay correctly. Hence, the applicant is directed to calculate the delay properly.

3. S.O. to 27-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION ST. NO.278/2020
(Purushottam Bade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri D.T.Devane learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instructions states that the applicant does not want to proceed with the O.A. and wants to withdraw the same. Therefore, he has prayed for leave to withdraw the O.A.

3. Learned P.O. prays for passing appropriate order in the circumstances.

4. Leave as prayed for is granted. Since the applicant does not want to proceed with the O.A. and wants to withdraw the same. O.A.St.No.278/2020 stands disposed of as withdrawn with no order as to costs.

ACTING CHAIRMAN

ORIGINAL APPLICATION NO. 1100 OF 2020
(Dr. Sarika S. Kadam and Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN
(Matter is placed before the Single Bench
due to non-availability of the Division Bench)

DATE : 13.03.2020

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents and Shri A.R. Magar, learned Advocate holding for Shri S.S. Tope, learned Advocate for respondent Nos. 12 & 15.

2. On instruction, learned Advocate for the applicants has submitted that the respondent No. 18 i.e. Shri Subhash Rohidas Jadhav is dead and therefore, he has prayed to grant permission to delete the name of respondent No. 18 from the title clause of the O.A.

3. Accordingly, leave as prayed for is granted. The applicant shall amend the O.A. forthwith.

4. Learned Advocate for the applicants has further submitted that the applicant No. 1 instructed him that she is not willing to proceed with the present O.A. and therefore, she has prayed to delete her name from the title clause of the O.A. He has produced the written

//2// O.A. NO. 1100/2019

communication received to him from the applicant in that regard. Same is taken on record. Therefore, he seeks leave of this Tribunal to delete the name of applicant No. 1 from the title clause of the O.A.

5. Leave as prayed for is granted. The learned Advocate for the applicants shall amend the O.A. forthwith.

6. At the request of learned Advocate for the applicant, issue fresh notices to the respondent Nos. 17, 30 & 58, returnable on 29.04.2020.

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

8. 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.

9. 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.

//3// O.A. No. 1100/2019

10. 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.

11. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

12. S.O. to 29.04.2020.

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

ACTING CHAIRMAN

KPB/ORAL ORDERS 13.03.2020

C.P. No. 30/2019 in O.A. No. 526/2011

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

CORAM : B. P. PATIL, ACTING CHAIRMAN

(Matter is placed before the Single Bench
due to non-availability of the Division Bench)

DATE : 13.03.2020

ORAL ORDER :

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

2. On perusal of the record, it reveals that by the order dated 22.07.2019 this Tribunal has issued notice to the Contemnor No. 1 only. But the respondents Nos. 1 to 3 have filed joint affidavit in reply. In fact, only the respondent No. 1 ought to have filed the affidavit in reply in the C.P.

3. Learned Presenting Officer has submitted that the contemnor No. 1 is going to file affidavit in reply in the C.P. and therefore he seeks time.

4. In view of this, time as prayed for is granted.

5. S.O. to 15.04.2020.

ACTING CHAIRMAN

ORIGINAL APPLICATION NO. 1077 OF 2019
(Smt. Ashwini V. Khalse Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN
(Matter is placed before the Single Bench
due to non-availability of the Division Bench)

DATE : 13.03.2020

ORAL ORDER :

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

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

3. S.O. to 29.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO. 147 OF 2020
(Shri Saheb P. Kapure Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN
(Matter is placed before the Single Bench
due to non-availability of the Division Bench)

DATE : 13.03.2020

ORAL ORDER :

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

2. The applicant is challenging the impugned order dated 17.10.2019 by filing the present Original Application. The applicant is serving as a District Filaria Officer at Chandrapur. Therefore, this Bench of the Tribunal has no territorial jurisdiction to entertain the present O.A. The applicant ought to have filed the same before the appropriate Bench of this Tribunal. Therefore, the O.A. deserves to be rejected, as it is not maintainable before this Bench.

3. In view of this, the O.A. stands rejected with liberty to the applicant to file the same before the appropriate Bench of the Tribunal.

ACTING CHAIRMAN

C.P. No. 49/2019 in O.A. No. 560/2018
(Dr. Omprakash G. Kanade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN
(Matter is placed before the Single Bench
due to non-availability of the Division Bench)

DATE : 13.03.2020

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 03.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO. 135 OF 2020
(Shri Santosh V. Suryawanshi Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN
(Matter is placed before the Single Bench
due to non-availability of the Division Bench)

DATE : 13.03.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 30.04.2020.
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. No. 135/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 30.04.2020.

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

ACTING CHAIRMAN

KPB/ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO. 854 OF 2019
(Shri Bansidhar V. Golhar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN
(Matter is placed before the Single Bench
due to non-availability of the Division Bench)

DATE : 13.03.2020

ORAL ORDER :

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

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

3. Learned Advocate for the applicant seeks time for filing rejoinder affidavit and also prayed to extend the interim relief till next date.

4. Time as prayed for is granted.

5. S.O. to 03.04.2020. Interim relief granted earlier to continue till next date.

ACTING CHAIRMAN

KPB/ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO. 26 OF 2020
(Shri Sanjay D. Salunke Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN
(Matter is placed before the Single Bench
due to non-availability of the Division Bench)

DATE : 13.03.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 30.04.2020.
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. No. 26/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 30.04.2020.

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

ACTING CHAIRMAN

KPB/ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO. 490 OF 2018
(Shri Bhaudas D. Vaishnav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Ms. Pragati Khadole, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, as a last chance, S.O. to 27.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO. 284 OF 2016
(Dr. Usha N. Bholane Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Shri K.A. Ingle, learned Advocate for the applicant (**Absent**).

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

2. None present for the applicant. The matter is pretty old and fixed for final hearing since long. The applicant remained absent. It seems that the applicant is not interested in prosecuting the matter.

3. Learned Presenting Officer has placed on record a copy of the order/G.R. dated 28.02.2020, by which the Government has forfeited the earlier services of the applicant in view of the provisions of Section 47 (1)(A) of the Maharashtra Civil Services (Pension) Rules, 1982. Same is taken on record and marked as document 'X' for the purposes of identification.

4. As none present for the applicant, S.O. to 27.03.2020 for passing necessary order.

ACTING CHAIRMAN

ORIGINAL APPLICATION NO. 89 OF 2019
(Shri Rajendra A. Jehurkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri V.B. Wagh, learned Advocate for respondent No. 4.

2. At the request of learned Advocate for the applicant, as a last chance, S.O. to 03.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDERS 13.03.2020

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

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 17.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO. 515 OF 2019
(Shri Mangesh M. Wagholikar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that during pendency of the present O.A., the applicant has been reinstated in service by the order dated 02.07.2019 in view of the interim order passed by this Tribunal. He has submitted that in view of the said order, the purpose of filing of the present O.A. has been served and therefore, he has prayed to dispose of the same.

3. Learned P.O. has prayed to pass necessary order.

4. In view of the submissions advanced by the learned Advocate for the applicant, the O.A. is disposed of with no order as to costs.

ACTING CHAIRMAN

**ORIGINAL APPLICATION NO. 74/2020
(Ganesh D. Pingale Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23.3.2020.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

**ORIGINAL APPLICATION NO. 486/2017
(Vijeta M. Ade Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

Shri M.D. Godhamgaonkar, learned Advocate for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and her learned Advocate, S.O. to 5.5.2020 for filing affidavit in rejoinder, if any.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

**O.A. NOS. 825, 864, 865, 866 AND 867 ALL OF 2016
(Prakash A. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

None appears for the applicants in all these cases. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in all these matters, Shri H.A. Joshi, learned Advocate for respondent nos. 7 to 9 in O.A. no. 825/2016, Shri S.U. Shaikh, learned Advocate holding for Shri Pradeep Patil, learned Advocate for respondent no. 5 in O.A. no. 864/2016, Shri P.P. Kothari, learned Advocate for respondent no. 5 in O.A. nos. 865, 866, 867/2016 are present.

2. In view of absence of learned Advocate for the applicants, S.O. to 6.5.2020.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO. 78/2019
(Dr. Mamata R. Chincholikar Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 15.4.2020 for filing rejoinder affidavit, if any.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

**ORIGINAL APPLICATION NO. 130/2019
(Kamlakar K. Phad Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 8.4.2020 for filing rejoinder affidavit.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

**ORIGINAL APPLICATION NO. 727/2019
(Madhav V. Birajdar Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

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

2. Learned Presenting Officer has filed sur-rejoinder of the respondent nos. 1 to 3 to the rejoinder affidavit filed by the applicant. It is taken on record and copy thereof has been supplied to other side.

3. Learned Advocate for the applicant seeks time to go through the sur-rejoinder and then to advance his submissions. Time granted.

4. In the circumstances, S.O. to 29.4.2020. Interim relief granted earlier to continue till then.

ACTING CHAIRMAN

ORIGINAL APPLICATION NO. 987/2019
(Bhimrao B. Shirshipurkar Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply of respondent. It is taken on record. He undertook to supply copy of affidavit in reply of respondent to the learned Advocate for the applicants.

3. In view of absence of learned Advocate for the applicants, S.O. to 29.4.2020.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

**ORIGINAL APPLICATION NO. 40/2020
(Shankar P. Dange Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

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

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

3. In the circumstances, S.O. to 29.4.2020.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

M.A. 509/2018 IN O.A. 939/2018
(Yadav T. Suryawanshi Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 29.4.2020 for filing rejoinder affidavit, if any, in the present O.A.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

M.A. 510/2018 IN O.A. 940/2018
(Namdeo M. Wakude Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

Heard Shri V.B. Wagh, 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, S.O. to 29.4.2020 for filing rejoinder affidavit, if any, in the present M.A.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

M.A. 380/2019 IN O.A. 290/2019
(Rajesh L. Tangade Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent no. 1 and Shri A.D. Aghav, learned Advocate for respondent no. 2.

2. At the request of Shri Advocate Deshmukh, learned Advocate for the applicant, S.O. to 24.4.2020.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

**M.A. 499/2019 WITH M.A. 500/2019 IN O.A. 667/2019
(Sanjay R. Patil Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 24.4.2020 for filing affidavit in reply of respondent nos. 1 & 3.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

M.A. 123/2020 IN O.A. 76/2018
(Parmeshwar B. Sanap Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

Heard Shri L.M. Kulkarni, learned Advocate for the applicant in the present M.A., Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 7 & 8 in the present M.A. and Shri Avinash Deshmukh, learned Advocate for respondent nos. 1 to 6 in the present M.A. / applicants in O.A.

2. At the request of learned Advocate for the applicant, S.O. to 23.3.2020.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

**ORIGINAL APPLICATION NO. 130/2017
(Priyanka A. Dongre Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

Shri S.K. Chavan, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent nos. 1 to 4 and Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for respondent no. 5, are present. None appears for respondent no. 6, though duly served.

2. Since the learned Advocate for the applicant is absent and since the Division Bench is not available, S.O. to 16.6.2020 for final hearing.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

ORIGINAL APPLICATION NO. 141/2018
(Nanda P. Bankar Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 13.03.2020

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent no. 1 and Shri Avinash S. Deshmukh, learned Advocate for respondent no. 2.

2. Since the Division Bench is not available, S.O. to 16.6.2020 for final hearing.

ACTING CHAIRMAN

ARJ ORAL ORDERS 13.03.2020

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

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

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

2. Learned Presenting Officer has prayed to grant time to produce the relevant documents / record in view of order passed by this Tribunal on 09.10.2019.

5. Considering the fact that more than five months' time has been elapsed from the date of order dated 09.10.2019 passed by this Tribunal, time granted as last chance.

6. S.O. to 21.04.2020.

ACTING CHAIRMAN

ORAL ORDERS 13.03.2020-HDD

ORIGINAL APPLICATION NO. 757 OF 2018
(Shri Bhujang S. Shete Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri Shakil U. Shaikh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed short affidavit on behalf of respondent Nos. 1, 3, 4 & 5 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 20.04.2020 for making submissions.

ACTING CHAIRMAN

ORAL ORDERS 13.03.2020-HDD

ORIGINAL APPLICATION NO. 881 OF 2019
(Shri Rajendra K. Shinde Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri V.M. Vibhute, learned Advocate for respondent Nos. 3 & 4.

2. Learned Advocate Shri V.M. Vibhute has filed affidavit in reply on behalf of respondent Nos. 3 & 4 and the same is taken on record and copy thereof has been served on the other side.

3. Admit.

4. The present case be listed on board on 09.04.2020 for final hearing.

ACTING CHAIRMAN

ORAL ORDERS 13.03.2020-HDD

ORIGINAL APPLICATION NO. 882 OF 2019
(Shri Dnyanesh D. Gund Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri V.M. Vibhute, learned Advocate for respondent Nos. 3 & 4.

2. Learned Advocate Shri V.M. Vibhute has filed affidavit in reply on behalf of respondent Nos. 3 & 4 and the same is taken on record and copy thereof has been served on the other side.

3. Admit.

4. The present case be listed on board on 09.04.2020 for final hearing.

ACTING CHAIRMAN

ORAL ORDERS 13.03.2020-HDD

M.A.NO. 407/2019 IN O.A.ST.NO. 1458/2014
(Smt. Savita U. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 23.04.2020 for filing affidavit in reply, as a last chance.

ACTING CHAIRMAN

ORAL ORDERS 13.03.2020-HDD

M.A.NO. 36/2020 IN O.A.NO. 940/2019
(Shri Ashok D. Phadnis Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

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

2. At the request and by consent of both the parties, S.O. to 16.04.2020 for hearing.

ACTING CHAIRMAN

ORAL ORDERS 13.03.2020-HDD

M.A.NO. 624/2019 IN O.A.NO. 856/2019
(Shri Nitinkumar V. Mundik Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Shri Taher Ali Quadri, learned Advocate for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, present.

2. None appears for the applicant. It appears from the proceedings that on last two occasions i.e. on 07.01.2020 & 04.03.2020 nobody appeared for the applicant.

3. In view of the above, it appears that the applicant is not interested in prosecuting the present Original Application and, therefore, the same stands dismissed in default. There shall be no order as to costs.

ACTING CHAIRMAN

ORAL ORDERS 13.03.2020-HDD

M.A.NO. 134/2020 IN O.A.NO. 206/2019
(Smt. Amruta R. Paralikar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri C.K. Shinde, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. This is an application filed by the applicant for restoration of the O.A. No. 206/2019, which was dismissed in default by this Tribunal on 3.3.2020.

3. For the reasons stated in the present Miscellaneous Application and more particularly in paragraph No. 3, the Miscellaneous Application deserves to be allowed by recalling the order passed by this Tribunal on 3.3.2020.

4. The present Miscellaneous Application is allowed and disposed of. The order dated 3.3.2020 passed by this Tribunal is recalled. The Original Application No. 206/2019 is restored to its original file.

There shall be no order as to costs.

ACTING CHAIRMAN

ORIGINAL APPLICATION NO. 206 OF 2019
(Smt. Amruta R. Paralikar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri C.K. Shinde, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Today, by passing the separate order in M.A. No. 134/2020, the present Original Application has been restored to its original file.

3. It appears from the proceedings that the present case has already been admitted on 20.11.2019. Hence, the present case be fixed for final hearing on 23.04.2020.

ACTING CHAIRMAN

ORAL ORDERS 13.03.2020-HDD

ORIGINAL APPLICATION NO. 142 OF 2020
(Shri Vinod B. Ghewande Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

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

2. On instructions from Shri D.J. Pawara, Joint Commissioner, Scheduled Tribe Caste Scrutiny Committee, Aurangabad, learned Presenting Officer, states that the respondent is ready to allow the applicant to join the duty today itself. Therefore, he prayed to dispose of the Original Application.

3. Learned Advocate for the applicant has submitted that the respondent has not disbursed the salary to the applicant from December, 2019 to February, 2020 and, therefore, he prayed to issue necessary directions to the respondents accordingly and prayed to dispose of the present Original Application.

4. In view of the submissions made by both the parties, the present Original Application stands disposed of with the directions to the respondent to

// 2 //

permit the applicant to join the duty today itself, as per the statement made by the learned Presenting Officer and also consider the claim of the applicant regarding salary for the period from December, 2019 to February, 2020 as per the rules. There shall be no order as to costs.

ACTING CHAIRMAN

ORAL ORDERS 13.03.2020-HDD

**M.A.ST.82/2020 WITH M.A.ST.99/2020 IN M.A.
NO. 340/2019 IN O.A.NO. 324/2019**
(Shri Yogesh B. Bansode Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 13.03.2020

ORAL ORDER :

Heard Shri Mohanish V. Thorat, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The applicant has filed M.A. St. No. 99/2020 for restoration of M.A. No. 340/2019 along with O.A. No. 324/2019, which were dismissed in default by this Tribunal by an order dated 13.11.2019. As there is delay for filing M.A. St. No. 99/2020, for restoration of M.A. No. 340/2019 along with O.A. No. 324/2019, the applicant has filed another M.A. St. No. 82/2020 for condonation of delay of about 30 days caused for filing M.A. St. No. 99/2020.

3. On perusal of the record, it reveals that the applicant has filed O.A. No. 324/2019 challenging the order dated 29.11.2018 to present his claim for pension. The said O.A. came to be dismissed in default on 13.11.2019 in view of non-compliance of para 7 of the order dated 10.4.2019.

// 2 //

4. Thereafter, the applicant filed M.A. No. 227/2019, but it has been withdrawn by the applicant on 09.07.2019.

5. Thereafter, the applicant filed M.A. No. 340/2019 on 10.07.2019 for condonation of 60 days' delay caused for filing restoration of O.A. and it was also came to be dismissed on 13.11.2019 and the registration of M.A. St. No. 1352/2019 and O.A. No. 324/2019 was refused. Thereafter, the applicant has filed M.A. St. No. 99/2019 for restoration of M.A. No. 340/2019 and O.A. No. 324/2019, but the said M.A. St. No. 99/2019 was not filed within the stipulated timeframe. Therefore, the applicant has filed M.A. St. No. 82/2019 for condonation of delay of about 30 days caused for filing M.A. St. No. 99/2019.

6. On perusal of the same, it reveals that the applicant has not prosecuted entire proceeding diligently since beginning. He was negligent in conducting the matter and, therefore, the O.A. came to be dismissed. The applicant has not given plausible explanation for condoning the delay caused for filing the application for restoration of M.A. No. 340/2019. Moreover, there is no provision to condone the delay

:: - 3 - ::

**M.A.ST.82/2020 WITH
M.A.ST.99/2020 IN M.A. NO.
340/2019 IN O.A.NO. 324/2019**

caused for filing restoration application, as per the provisions of Maharashtra Administrative Tribunal (Procedure) Rules, 1988. Therefore, the M.A. St. No. 82/2020 is hereby rejected. Consequently, registration of M.A. St. No. 99/2020 stands refused.

There shall be no order as to costs.

ACTING CHAIRMAN

ORAL ORDERS 13.03.2020-HDD