

ORIGINAL APPLICATION NO. 845 OF 2019
(Shri Pawan Nimba Patil V/s. 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 : 17.02.2020

ORAL ORDER :

Heard Shri B.S. Bhapkar, learned Advocate holding for Shri A.S. Gandhi, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. The applicant has challenged the termination/ dismissal order dated 07.02.2019 by filing the present Original Application. The order of termination/ dismissal is appealable order in view of the provision of Rule 17 of the Maharashtra Civil Services (Discipline and Appeal), Rules 1979 before the appellate authority as provided under Rule 18 of the Rules. The applicant has not availed the alternate remedy available to him as per the service rules. Therefore, the present O.A. is not maintainable in view of the provisions of Section 20 of the Administrative Tribunals Act, 1985 and therefore, the same deserves to be dismissed.

3. In view thereof, the O.A. stands dismissed with no order as to costs.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 801 OF 2019
(Shri Shivaji S. Nimbalkar V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

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

2. Learned Presenting Officer has placed on record a copy of the order dated 08.01.2020 along with communication dated 08.01.2020, by which the corrective steps have been taken by the respondents and the suspension period of the applicant has been treated as duty period for all purposes and all the consequential benefits have been extended to the applicant. Copy of the said documents are placed on record and marked as document X collectively for the purposes of identification.

3. Learned Advocate for the applicant has submitted that the respondents have taken the corrective steps, but the actual benefits have not been given to the applicant and therefore, he has prayed to direct the respondents to pay the benefits to the applicant immediately.

4. Learned Presenting Officer has submitted that the applicant's claim has been satisfied and nothing

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O.A. NO. 801/2019

remains in the present O.A. Therefore, he has prayed to dispose of the same.

5. On perusal of the record, it reveals that the applicant has claimed following relief in para No. 25 :-

“(B) To hold and declare the applicant is entitled for regularization of suspension period from 27.11.2014 to 29.03.2019 to treat as duty period as per Rule 72 (3) of the Maharashtra Civil Services (Joining Time, Foreign ServicesRemoval) Rules, 1981 and also entitled for all the consequential benefits.”

In view of the order dated 08.01.2020 issued by the Deputy Secretary (Law), Home Department, the suspension period has been treated as duty period for all purposes and all the consequential benefits have been extended to the applicant in view of the said order. The relief as claimed by the applicant has been satisfied. Therefore, nothing survives in the present O.A. Hence, the O.A. deserves to be disposed of.

6. In view of this, the O.A. stands disposed of with no order as to costs.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 925 OF 2019
(Shri Nilkanth Tulshiram Pawar V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicant, Smt. M.S. Patni, learned Presenting Officer for the Respondent Nos. 1 and 3 and Smt. Suchita Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for respondent Nos. 2 & 4.

2. Learned Advocate for the applicant has submitted that the applicant has been relieved in view of the impugned order dated 31.05.2019 and accordingly, he joined his new posting on 03.01.2020. He has submitted that the applicant has not received the pay from 01.10.2019 onward.

3. Learned Presenting Officer has submitted that since the applicant has been relieved and he joined his new posting, the order dated 31.05.2019 has been implemented and therefore, nothing remains in the present O.A. Therefore, she has prayed to dispose of the O.A. accordingly.

4. On perusal of the documents on record, it reveals that the applicant has claimed following reliefs in para No. 16 of the O.A. :-

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O.A. No. 925/2019

- “(B) To direct the respondent No. 3 to implement the order dated 31.55.2019 (ANNEXURE – “A-1”) issued by the respondent No. 1 forthwith, by allowing the applicant to join on the post of Store Keeper in the office of the Executive Engineer, Jaikwadi Irrigation Division (North), Nath Nagar, Paithan, Tq. Paithan, District Aurangabad, pursuant to the joining report dated 03.10.2019 (ANNEXURE – “A-3”) submitted by the applicant to the office of respondent No. 3 ”
- (C) To quash and set aside the communication dated 03.10.2019 issued by the Executive Engineer, Jaikwadi Irrigation Division (North), Nath Nagar, Paithan, Tq. Paithan, District Aurangabad, in respect of not allowing the applicant to join on the said post.

5. Documents produced on record by both the parties and the arguments advanced by the parties, it reveals that the order dated 31.05.2019 has been implemented and accordingly, the applicant has joined his new posting on 03.01.2020. The relief as claimed by the applicant has been satisfied and therefore, nothing remains in the present O.A. Hence, the O.A. deserves to be disposed of.

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O.A. No. 925/2019

6. In view of the above, the O.A. stands disposed of with no order as to costs.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 897 OF 2019
(Dr. Uttam K. Ambre V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri M.V. Dhongde, learned Advocate for the Applicant and Shri N.U. Yadav, 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 08.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

M.A. No. 47/2019 in O.A. No. 387/2016
(Dr. Nomani Muhammed Mufti Taher V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Smt. Vinaya Muley-Dharurkar, 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 09.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 451 OF 2018
(Shri Bhagwat N. Pujari V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, 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 09.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 613 OF 2019
(Shri Dilip B. Bodre V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri S.C. Bhosale, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 05.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 562 OF 2019
(Shri Bharat A. Wani V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 11.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 793 OF 2019
(Shri Chandrakant N. Desale V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 11.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 103 OF 2019
(Shri Balkrishna R. Chhallare V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri S.N. Suryawanshi, 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 31.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 104 OF 2019
(Shri Shaikh Rahimuddin Shaifuddin V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri S.N. Suryawanshi, 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 31.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 86 OF 2020
(Dr. Vaibhav B. Kshirsagar V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri H.P. Bondar, 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 24.02.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 88 OF 2020
(Shri Sanjay S. Kute V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Issue notices to the respondents, returnable on 08.04.2020.

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. 88/2020

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 08.04.2020.

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

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 89 OF 2020
(Shri Madhukar G. Bhalerao V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Issue notices to the respondents, returnable on 09.04.2020.
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. 89/2020

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 09.04.2020.

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

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 90 OF 2020
(Shri Satish N. Badade V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Issue notices to the respondents, returnable on 09.04.2020.

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. 90/2020

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 09.04.2020.

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

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 99 OF 2020
(Shri Jitendra M. Chaudhari V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri M.R. Wagh, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Issue notices to the respondents, returnable on 23.03.2020.

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. 99/2020

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 23.03.2020.

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

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

O.A. No. 101/2020 with Caveat 02/2020
(Shri Milind V. Nakade V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the Applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents and Shri S.B. Mene, learned Advocate for caveater.

2. Issue notices to the respondents, returnable on 03.04.2020.

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. 101/2020
with Caveat 02/20

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 03.04.2020.

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

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 205 OF 2019
(Shri Vaijnath M. Karadkhele V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the Applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent Nos. 1, 2, 4 to 6 and Smt. Suchita Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for respondent No. 3.

2. The respondent Nos. 4 and 6 have not deposited the amount of costs as per the order dated 05.12.2019.

3. In view thereof, the respondent Nos. 4 and 6 are directed to deposit the amount of costs on or before the next date. The amount of costs shall be recovered from the concerned officer.

4. S.O. to 31.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 499 OF 2019
(Shri Madhukar B. Dhabe V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 07.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 608 OF 2019
(Shri Anil B. Shinde V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri S.P. Urgunde, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer has placed on record a copy of the order dated 03.02.2020, by which the impugned order of transfer has been cancelled and therefore, she has prayed to dispose of the present O.A. Copy of the said order is taken on record and marked as document 'X' for the purposes of identification.

3. Learned Advocate for the applicant has submitted that since the impugned order has been cancelled by the respondents, the present O.A. may be disposed of accordingly.

4. In view of the submissions advanced by both the parties, the O.A. is disposed of with no order as to costs.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 797 OF 2019
(Maharashtra Raya Rekhachitra Shakha Karmachari
Sangathna V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer has filed separate affidavit in replies on behalf of respondent Nos. 1, 2 and 3 respectively. Same are taken on record and copies thereof have been served on the other side. She has submitted that presently the affidavit in reply of respondent Nos. 4 to 6 is not necessary.

3. S.O. to 01.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 799 OF 2019
(Dr. Raju N. Tompe V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant has submitted that the applicant has challenged the transfer order dated 29.08.2019 by filing the present O.A. and at the same time he has prayed for issuance of directions to the respondents to consider his representation dated 03.09.2019. He has submitted that if the directions are issued to the respondents to decide the representation within stipulated time, then the purpose of filing of the present O.A. will be served and therefore, he has prayed to issue direction to the respondents accordingly.

3. Learned Presenting Officer has submitted that the reasonable time may be given to the respondents to decide the representation on merit and with that direction the O.A. may be disposed of.

4. In view of the submissions advanced by the learned Advocate for the applicant, O.A. is disposed of

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O.A. No. 799/2019

with a direction to the respondent No. 1 to decide the representation made by the applicant on 03.09.2019 within a period of three months from the date of this order, on merit as per rules and communicate the decision therein to the applicant in writing. There shall be no order as to costs.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 873 OF 2019
(Shri Nivrutti K. Lote V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

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

2. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 09.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 880 OF 2019
(Shri Yogesh R. Wagh V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri S.D. Munde, 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 23.03.2020 for filing rejoinder affidavit.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 930 OF 2019
(Shri Balu V. Sonawane V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 31.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 995 OF 2019
(Dr. Dagajirao P. Patil V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 5. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 08.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 1022 OF 2019
(Shri Baban D. Jatale V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the Applicant, Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos. 1 to 3.

2. Learned Advocate Shri S.B. Mene, is appeared on behalf of respondent No. 4 and submits that on the next day he will file **VAKALATNAMA** on behalf of respondent No. 4. He seeks time for filing affidavit in reply on behalf of respondent No. 4. Time granted as a last chance.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 1. Time granted.

4. S.O. to 08.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 1027 OF 2019
(Shri Arjun D. Sonwane V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the Applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents and Shri A.D. Pawar, learned Advocate for respondent No. 3.

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

3. S.O. to 13.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 1066 OF 2019
(Shri Vasant A. Manorkar V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Applicant, Shri M.P. Gude, learned Presenting Officer for the Respondent Nos. 1 & 2 and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 3 & 4.

2. Learned Presenting Officer as well as learned Advocate for respondent Nos. 3 & 4 seeks time for filing affidavit in reply. Time granted.

3. S.O. to 09.04.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 20 OF 2020
(Shri Shankar N. Kamble V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Shri J.M. Murkute, learned Advocate for the Applicant (**Absent**).

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

2. The applicant has not filed service affidavit of respondent Nos. 1 to 3.

3. In view thereof, S.O. to 16.03.2020 for passing dismissal order.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 23 OF 2020
(Shri Arvind P. Awad and Ors. V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Shri H.P. Jadhav, learned Advocate for the Applicant (**Absent**).

Heard Shri V.R. Bhumkar, 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 31.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 30 OF 2020
(Shri Prashant B. Kachhawa V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the Applicant and Shri S.K. Shirse, 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 18.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

M.A. No. 413/2019 in O.A. St. No. 1414/2019
(Shri Gorakh M. Shinde V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Shri A.L. Awale, learned Advocate for the Applicant (**Absent**).

Heard Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. As none present for the applicant, S.O. to 16.03.2020 for passing necessary order.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

M.A. No. 516/2019 in O.A. St. No. 2083/2019
(Smt. Rekhabai C. Bahiram V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri B.K. Patil, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer seeks has filed affidavit in reply on behalf of respondent No. 2 in M.A.. Same is taken on record and copy thereof has been served on the other side. She has submitted that presently the applicant in reply of respondent No. 1 in M.A. is not necessary.

3. S.O. to 19.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 801 OF 2018
(Shri Vikas B. Kamble V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri S.P. Salgar, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Today, Dr. Sudhir Bhaskarrao Deshmukh, Dean, Swami Ramanand Tirth Government Medical Hospital, Amajogai, Dist. Beed, is personally present before the Tribunal and submits that during the course of the day short affidavit/ personal affidavit in view of the directions given by this Tribunal on 14.02.2020 would be filed.

3. S.O. to 20.03.2020.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

ORIGINAL APPLICATION NO. 92 OF 2020
(Smt. Arundhati A. Kulkarni V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Shri S.A. Deshmukh, learned Advocate for the Applicant (**Absent**).

Heard Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. The applicant has not satisfied the Tribunal on the point of maintainability of the present O.A., as the representation dated 03.12.2019 is pending with the higher authority.

3. In view of this, S.O. to 11.03.2020 for passing necessary order.

ACTING CHAIRMAN

KPB/ORAL ORDER 17.02.2020.

CHAMBER APPEAL NO. 07 OF 2020
(Dnyandeo Sahebrao Dahifale Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Shri S.R.Shirsat, learned Advocate for the applicant.

2. Vide order dated 27.01.2020 the Registrar of this Tribunal was pleased to refuse the registration under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 19.12.2019 the office has raised the following office objection:-

- 1) Page Nos.13, 16 to 22, 29 to 33 are black;
- 2) Annexure A-10 and C.A. number is wrongly mentioned.
- 3) Advertisement is issued by the respondent no.2 the Additional Director General of Police, Crime Investigation Department, Pune to fill up the posts in Group-C under Pune Region only.
- 4) Final selection list is published on 06-06-2018 at Annexure A-5. Thus, O.A. appears to be barred by limitation.

3. Vide office note dated 20.01.2020 Registrar of this Tribunal at Aurangabad Bench noted that nobody appeared for the applicant and office objections are not removed.

(P.T.O.)

=2=

CHAMBER APPEAL NO.07 OF 2020

4. The learned Advocate for the applicant appeared today and undertakes to remove the office objections within reasonable period.

5. Office has raised objections regarding territorial jurisdiction and delay caused for filing the O.A. Learned Advocate for the applicant submits that he will satisfy the Tribunal on the points of territorial jurisdiction and delay caused for filing the O.A.

6. Technically, the Registrar was right in refusing the registration since nobody appeared for the applicant in view of the objections in spite of repeated chances. The fact that the O.A. is filed regarding selection/appointment and in order to give an opportunity to the applicant to prove his claim on merits, it will be in the interest of justice to allow the appeal as the applicant shall not suffer for the negligence of his Advocate. Hence, the following order:

ORDER

(i) The Chamber Appeal No. 07/2020 is allowed as the applicant undertakes to remove the office objections within a reasonable period.

(P.T.O.)

=3=

CHAMBER APPEAL NO.07 OF 2020

(ii) Registrar of this Tribunal Bench at Aurangabad is directed to register the O.A. St. No. 2410/2019 after removing the office objections by the learned Advocate for the applicant and place the same before the appropriate bench for hearing.

(iii) Applicant shall satisfy the Tribunal on the points of territorial jurisdiction and delay caused for filing the O.A.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

O.A. NOS. 445, 446, 447, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 494, 113 AND 114 ALL OF 2017 WITH M.A. 325/2017 In O.A. St. 941/2017 WITH M.A. No. 36/2019 in M.A. St. 82/2019 in O.A. St. 83/2019 & M.A.NO.144/19 IN O.A.ST.400/19, M.A. 498/2019 IN O.A. ST. 1959/2019

(Marathwada Van Va Samjik Vanikaran Rojandari Va Kayam Kamgar Karmachari Va Sarva Shramik Sanghatana & Ors. V/s. 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 : 17.02.2020

ORAL ORDER :

Heard S/Shri A.R. Lukhe, learned Advocate holding for Shri A.S. Shelke, S.S. Shinde & V.G. Pingle, learned Advocates for the respective applicants in respective cases and Smt. M.S. Patni, learned Presenting Officer for the respondents in all these cases.

2. Learned PO seeks time to file sur-rejoinder of the respondents. Time is granted.

3. S.O. to 22.06.2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.853/2019
(Shriram Panchpute & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri R.N.Bharaswadkar learned Advocate for the Applicant and Shri B.S.Deokar learned Presenting Officer for the Respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent no.2. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 24-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.917/2019
(Ashok Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri I.D.Maniyar learned Advocate for the Applicant and Smt. Sanjivani Ghate learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23-03-2020 for filing affidavit in rejoinder.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

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

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri R.D.Khadap learned Advocate for the Applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the Respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 24-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.1021/2019
(Dr. Prashant Warkari Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri C.V.Dharurkar learned Advocate for the Applicant and Shri I.S.Thorat 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 24-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.1032/2019
(Sadashiv Rathod Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri B.V.Dhage 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 26-03-2020 for filing service affidavit.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

**O.A.NOS.1037/2019, 1038/2019, 1039/2019, 1040/2019,
1041/2019, 1042/2019 & 1043/2019
(Sambhaji Wadje & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri Prashant Deshmukh learned Advocate for the Applicants, S/Shri I.S.Thorat, B.S.Deokar, M.P.Gude, V.R.Bhumkar, N.U.Yadav, S.K.Shirse and Smt. Deepali Deshpande learned Presenting Officers for the Respondents in respective cases.

2. Learned P.Os. seek time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 20-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

M.A.NO.51/2019 IN O.A.ST.NO.354/2017
(Ashruba Jaybhaye Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Smt. Renuka Ghule learned Advocate for the Applicant and Smt. Deepali Deshpande learned Presenting Officer for the Respondents.

2. At the request and by consent of both the parties, S.O. to 20-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

M.A.NO.476/2019 IN O.A.ST.NO.1752/2019
(Nasiroddin Shaikh Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri C.V.Dharurkar 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 24-03-2020 for filing affidavit in rejoinder.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

M.A.NO.579/2019 WITH O.A.NO.871/2018
(State of Maharashtra & Ors. V/s Chandrakant Shete)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri V.R.Bhumkar learned Presenting Officer for misc. applicants (original respondents). Shri B.R.Kedar learned Advocate holding for Shri K.M.Nagarkar learned Advocate for the respondent (original applicant).

2. At the request of learned Advocate as well as the learned P.O. S.O. to 16-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

**ORIGINAL APPLICATION ST. NO.105/2020
(Vasant Patil Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate for the Applicant and Smt. Sanjivani Ghate learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 12-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

**M.A.ST.NO.226/2020 IN C.P.ST.NO.52/20 IN
O.A.NO.521/1995 IN T.A.NO.2183/1991
(Bhagwant Jamadar Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri C.T.Jadhav 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 27-02-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.956/2019
(Rajendra Chaudhari Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri C.V.Dharurkar learned Advocate for the Applicant and Shri I.S.Thorat learned Presenting Officer for the Respondents.

2. Issue notices to the Respondents, returnable on 16.03.2020.
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.

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 16.03.2020.

9. Steno copy and Hamdast is allowed.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.957/2019
(Ramesh Mundhe Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri C.V.Dharurkar 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 16-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.958/2019
(Yeshwant Sable Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri C.V.Dharurkar learned Advocate for the Applicant and Smt. Deepali Deshpande learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

C.P.NO.01/2020 IN O.A.NO.824/2016
(Dr. Asha Kadam Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri Shamsundar B. 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 24-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.586/2012
(Bharat Bhosale Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri Sudhir Patil learned Advocate for the Applicant and Smt. Sanjivani Ghate learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 26-03-2020 for filing rejoinder.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

O.A.NOS.318/209, 319/2019 & 320/2019
(Dr. Raman Dalvi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri K.G.Salunke learned Advocate for the Applicant and Smt. Sanjivani Ghate learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23-03-2020 for filing rejoinder.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

**ORIGINAL APPLICATION NO.639/2019
(Ajit Pawar Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri Adhip Ghosh learned Advocate holding for Shri S.B.Talekar learned Advocate for the Applicant, Smt. M.S.Patni learned Presenting Officer for the Respondents and Shri C.V.Dharurkar learned Advocate for respondent no.3.

2. At the request of learned Presenting Officer, S.O. to 24-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.649/2019
(Mahendra Koli Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri Prafull Bodade learned Advocate holding for Shri J.B.Choudhary 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 30-03-2020 for filing rejoinder.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.650/2019
(Pravin Sonawane Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri Prafull Bodade learned Advocate holding for Shri J.B.Choudhary 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 30-03-2020 for filing rejoinder.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

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

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri R.S.Shinde (Boralkar) 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 30-03-2020 for filing rejoinder.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.68/2020
(Shivaji Chemte Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri M.P.Gandle 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 to take instruction as to whether he intends to withdraw the application.

3. S.O. to 12-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.79/2020
(Dr. Naser Ahmed Rizvi Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri M.R.Kulkarni learned Advocate for the Applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the Respondents.

2. Issue notices to the Respondents, returnable on 08.04.2020.

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.

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 08.04.2020.

9. Steno copy and Hamdast is allowed.

10. Point of interim relief is kept open.

ACTING CHAIRMAN

ORIGINAL APPLICATION NO.93/2020
(Jayshree Tusamkar Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri M.S.Choudhary learned Advocate for the Applicant and Shri I.S.Thorat learned Presenting Officer for the Respondents.

2. Issue notices to the Respondents, returnable on 09.04.2020.
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.

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 09.04.2020.

9. Steno copy and Hamdast is allowed.

ACTING CHAIRMAN

**ORIGINAL APPLICATION NO.95/2020
(Monali Late Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri C.V.Dharurkar learned Advocate for the Applicant and Shri I.S.Thorat learned Presenting Officer for the Respondents.

2. Issue notices to the Respondents, returnable on 08.04.2020.
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.

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 08.04.2020.

9. Steno copy and Hamdast is allowed.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.102/2020
(Swati Jagdhane Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri R.M.Deshmukh learned Advocate for the Applicant and Shri V.R.Bhumkar learned Presenting Officer for the Respondents.

2. Issue notices to the Respondents, returnable on 09.04.2020.
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.

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O.A.No.102/2020

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 09.04.2020.

9. Steno copy and Hamdast is allowed.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

T.A.NO.01/2020 IN W.P.NO.2057/2020
(Vaibhav Gawali Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri Shaikh Mazhar Jagirdar learned Advocate for the Applicant and Shri M.P.Gude learned Presenting Officer for the Respondents.

2. Learned Advocate has filed a short affidavit on behalf of the applicant. It is taken on record. Copy thereof has been served on the other side.

3. Learned P.O. is directed to call a responsible officer to be present tomorrow before the Tribunal.

4. At the request of learned Presenting Officer, S.O. tomorrow i.e. on 18-02-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

**M.A.NO.68/2020 IN O.A.ST.NO.2452/2020
(Swati Patil Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri R.D.Khadap learned Advocate for the Applicant and Shri M.P.Gude learned Presenting Officer for the Respondents.

2. Issue notices to the Respondents in M.A., returnable on 13.04.2020.
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.

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M.A.NO.68/2020 IN O.A.ST.NO.2452/2020

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 13.04.2020.

9. Steno copy and Hamdast is allowed.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

M.A.NO.84/2020 IN O.A.ST.NO.140/2020
(Dr. Abdul Mubashir Siddiqui Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri M.R.Kulkarni learned Advocate for the Applicant and Shri B.S.Deokar learned Presenting Officer for the Respondents.

2. For the reasons stated in the M.A. and since the applicants are agitating common cause, challenging the similar order and to avoid multiplicity of litigation, M.A. for sue jointly is allowed.

3. O.A. be registered and numbered after removal of office objections, if any, as per rules.

4. M.A. stands disposed of accordingly with no order as to costs.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION ST.NO.140/2020
(Dr. Abdul Mubashir Siddiqui Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri M.R.Kulkarni learned Advocate for the Applicant and Shri B.S.Deokar learned Presenting Officer for the Respondents.

2. Issue notices to the Respondents, returnable on 13.04.2020.
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.

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 13.04.2020.

9. Steno copy and Hamdast is allowed.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

M.A.NO.95/2020 IN O.A.ST.NO.182/2020
(Graduate Part Time Employees Association
Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri S.D.Joshi learned Advocate holding for Shri Ashish Rajkar learned Advocate for the Applicant and Shri S.K.Shirse learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant seeks leave of the Tribunal to amend prayer clause "B" suitably. Leave as prayed for is granted.
3. Applicant shall amend the O.A. within 2 days.
4. Case be removed from board.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

**C.P.NO.03/2020 IN C.P.NO.47/2018 IN O.A.NO.138/2016
(Dr. Shaikh Faiz Mohammad Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri I.D.Maniyar 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 as well as the learned Presenting Officer, S.O. to 16-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

C.P.No.61/2019 IN O.A.NO.533/2015
(Shivaji Shinde Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri Ajay Deshpande learned Advocate for the Applicant and Shri I.S.Thorat learned Presenting Officer for the Respondents.

2. At the request of learned Presenting Officer, S.O. to 20-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

**ORIGINAL APPLICATION ST. NO.189/2020
(Vilas Mudgale Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri S.P.Urgunde learned Advocate for the Applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant seeks time to file application for condonation of delay caused for filing the O.A. Two weeks' time is granted to file M.A. for condonation of delay.

3. Case be removed from the board.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

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

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate for the Applicant and Shri M.P.Gude learned Presenting Officer for the Respondents.

2. At the request of learned Presenting Officer, S.O. to 25-02-2020 for taking instructions.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.500/2019
(Saburi Donglikar Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri Y.P.Deshmukh learned Advocate for the Applicant, Smt. Priya Bharaswadkar learned Presenting Officer for the Respondent nos.2 to 4, Shri R.D.Khadap learned Advocate holding for Shri S.S.Thombre learned Advocate for respondent no.6 and Shri V.B.Wagh learned Advocate for respondent nos.1 and 5

2. Learned Advocate for the applicant files affidavits in rejoinder countering reply of respondent nos.4, 5 and 6. Those are taken on record. Copies are served on the other side.

3. This case shall not be placed before me.

4. Registrar to place the case before another Bench in due course.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

M.A.NO.94/2020 IN O.A.NO.374/2019
(Dr. Mohammad Sharif Bismilla Khan Pathan
Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the Applicant and Shri I.S.Thorat learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant has prayed to allow the M.A. for amendment stating that the amendment is based on subsequent events occurred during the pendency of the litigation and it will not change the nature of the litigation.

3. Learned P.O. has fairly submitted that the respondents have no objection to allow the application for amendment as the amendment is based on subsequent events.

4. In view of above submissions, applicant is permitted to amend the O.A. as prayed for within a week. M.A. for amendment is allowed. Respondents are at liberty to file reply to the amended O.A.

ACTING CHAIRMAN

O.A.NO.374/2019

**(Dr. Mohammad Sharif Bismilla Khan Pathan
Vs. State of Maharashtra & Ors.)**

CORAM : B.P. PATIL, ACTING CHAIRMAN

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

DATE : 17.02.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the Applicant and Shri I.S.Thorat learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant files affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 20-03-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020

ORIGINAL APPLICATION NO.211/2018
(Dilip Mankeshwar Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, ACTING CHAIRMAN

DATE : 17.02.2020

ORAL ORDER :

Heard Smt. Suchita Dhongde learned Advocate for the Applicant and Shri I.S.Thorat learned Presenting Officer for the Respondents.

2. Learned P.O. files a short affidavit on behalf of respondent no.3. It is taken on record. Copy thereof has been served on the other side.

3. At the request of learned P.O., S.O. to 25-02-2020.

ACTING CHAIRMAN

YUK ORAL ORDER 17.02.2020