

**M.A.NO.114/2021 WITH M.A.NO.111/2018 IN
O.A.ST.NO.412/2018
(Abdul Rakhib Gulam Nabi Vs. State of Maharashtra & Ors.)**

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

DATE : 19.05.2021

ORAL ORDER :

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

2. By this application, the applicant is seeking to amend the O.A. to the extent of taking benefit under subsequent G.R. dated 02-03-2019. The O.A. is filed seeking benefits under time scale promotion scheme to the applicant in terms of G.R. dated 07-10-2016.

3. Perusal of the O.A. would show that it is still under stamp number as M.A.No.111/2018 is pending for condonatin of delay caused in filing the O.A. In view of the same, no irretrievable prejudice would be caused to the respondents if proposed amendment is allowed.

4. In my view, amendment is necessary to be incorporated for effective adjudication of the matter. Hence, the application is allowed. Amendment be carried within a week.

5. M.A.No.114/2021 stands disposed of accordingly with no order as to costs.

MEMBER (J)

M.A.NO.111/2018 IN O.A.ST.NO.412/2018
(Abdul Rakhib Gulam Nabi Vs. State of Maharashtra & Ors.)

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

DATE : 19.05.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 06-07-2021.

MEMBER (J)

YUK ORAL ORDERS 19.05.2021

**M.A.NO.115/2021 WITH M.A.NO.270/2018 IN
O.A.ST.NO.1034/2018
(Pandurang Nilewar Vs. State of Maharashtra & Ors.)**

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

DATE : 19.05.2021

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant, Shri D.R.Patil, learned Presenting Officer for the respondents.

2. By this application, the applicant is seeking to amend the O.A. by incorporating necessary pleadings to challenge the recovery made of Rs.39,466/- from gratuity amount claiming to be on account of overpayment of pay and allowances. It is contention of the applicant that reply is not filed by the respondents in the O.A. The necessary pleadings and prayer about this recovery remained to be inadvertently made in the O.A.

3. Record shows that M.A.No.270/2018 made for condonation of delay in O.A.St.No.1034/2018 is pending. In view of the same, no irretrievable prejudice would be caused to the respondents if proposed amendment is allowed. The proposed amendment is necessary to determine real question of controversy between the parties.

4. Learned Advocate for the applicant specifically submitted that in this M.A. proposed Annexure A-6 is shown as G.R. dated 2nd March, 2019. Said document

=2=

M.A.NO.115/2021 WITH M.A.NO.270/2018 IN
O.A.ST.NO.1034/2018

was annexed inadvertently instead of document form no.7 of the pension office. Said document is required to be replaced in the M.A.

5. Hence, the application is allowed in following terms.

- (i) Annexure A-6 in the M.A. be substituted by form no.7.
- (ii) Applicant to carry out the requisite amendment in O.A.St.No.1034/2018 within a week.

6. M.A.No.115/2021 stands disposed of accordingly with no order as to costs.

MEMBER (J)

M.A.NO.270/2018 IN O.A.ST.NO.1034/2018
(Pandurang Nilewar Vs. State of Maharashtra & Ors.)

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

DATE : 19.05.2021

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant, Shri D.R.Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 06-07-2021.

MEMBER (J)

YUK ORAL ORDERS 19.05.2021

ORIGINAL APPLICATION NO.305/2020
(Vandana Shirang Mali Vs. State of Maharashtra & Ors.)

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

DATE : 19.05.2021

ORAL ORDER :

Heard Shri Swapnil A. Deshmukh, learned Advocate for the applicant, Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. Pleadings of both the parties are complete. Hence, the case is reserved for orders.

MEMBER (J)

YUK ORAL ORDERS 19.05.2021

MA 309/2020 IN O.A. 431/2020

(Sujit D. Borkar Vs. Purushottam G. Khule and State of Maharashtra & Ors.)

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

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

DATE : 19.5.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant in the present M.A., Shri Ajay S. Deshpande, learned Advocate for respondent no. 1 in the present M.A. / applicant in O.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 2 & 3 in the present M.A. / respondent nos. 1 & 2 in the O.A. and Shri Vivek Kabade, learned Advocates for respondent nos. 4 to 6 in the present M.A. / respondent nos. 3 to 5 in O.A.

2. Learned C.P.O. places on record copy of communication dated 18.5.2021 received to him from the Desk Officer, Law & Judiciary Department, Mantralaya, Mumbai. By the said letter it is informed to the learned C.P.O. that name of the respondent no. 6 in O.A. / applicant in present M.A. – Shri Sujit Devidas Borkar – is considered for promotion and his name is recommended by the Departmental Promotion Committee (for short D.P.C.) to the post of Under Secretary (Legal) and the said proposal is sent to the General Administration Department for requisite approval. The copy of communication dated 18.5.2021 received by the learned C.P.O. from the Desk

::-2-::

MA 309/2020 IN O.A. 431/2020

Officer, Law & Judiciary Department is taken on record and marked as document 'X' for the purpose of identification.

3. Shri S.D. Joshi, learned Advocate for the applicant in M.A. submits that till the respondent no. 6 in O.A. / applicant in present M.A. – Shri Sujit Devidas Borkar - is promoted, the present M.A. can be kept pending.

4. In the above circumstances, S.O. to 14.7.2021.

MEMBER (J)

O.A. 431/2020

(Purushottam G. Khule Vs. State of Maharashtra & Ors.)

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

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

DATE : 19.5.2021

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2, Shri Vivek Kabade, learned Advocates for respondent nos. 3 to 5 and Shri S.D. Joshi, learned Advocate for respondent no. 6.

2. Learned Advocate for the applicant submits that in pursuance of the order dated 14.12.2020 passed by this Tribunal in M.A. 309/2020 in O.A. 431/2020, the concerned representations of the applicant are not considered and decided by the respondents. Learned C.P.O. submits that he will seek instructions from the respondents and would put up current status in that regard by the next date.

3. Learned Advocate for the applicant also seeks time to file rejoinder affidavit of the applicant to the affidavit in reply of respondent no. 2. Time granted.

4. S.O. to 14.7.2021.

MEMBER (J)

M.A. 79/2021 IN O.A. ST. 288/2021
(Pralhad V. Fiske Vs. State of Maharashtra & Ors.)

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

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

DATE : 19.5.2021

ORAL ORDER :

Heard Shri Hemant D. More, 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 the respondents in the present M.A. Time granted.

3. In the circumstances, S.O. to 27.5.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 210/2021
(Lala M. Jadhavar Vs. State of Maharashtra & Ors.)

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

DATE : 19.5.2021

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 6.7.2021.
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. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 6.7.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**ORIGINAL APPLICATION NO. 103/2021
(Dr. Harishchandra T. Kokani Vs. State of Maharashtra
& Ors.)**

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

DATE : 19.5.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 & 2. Shri Rakesh N. Jain, learned Advocate for respondent no. 3 (**absent**).

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents in the present O.A. He also undertook that affidavit in reply of the respondents would be filed positively on the next date. Time granted.

3. In the circumstances, S.O. to 1.7.2021.

MEMBER (J)

Date : 19.05.2021

ORIGINAL APPLICATION NO. 182 OF 2021

(Smt. Sunita E. Ghusale V/s State of Maharashtra & Ors.)

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

1. Shri P.K. Shingare, learned Advocate holding for Shri S.R. Barlinge, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 14.06.2021. The case be listed for admission hearing on 14.06.2021.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR