

ORIGINAL APPLICATION NO.414/2018
(Vranda Sadgure Vs. State of Maharashtra & Ors.)

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

DATE : **02.12.2021**

ORAL ORDER :

Heard Shri V.B.Wagh, learned Advocate for the applicant, Shri I.S.Thorat, learned Presenting Officer for the respondent nos.1 to 3 and Ku. Preeti Wankhade learned Advocate for respondent no.4.

2. Arguments are concluded. Case is reserved for order.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.613/2018
(Sonelben Pawar Vs. State of Maharashtra & Ors.)

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

DATE : **02.12.2021**

ORAL ORDER :

Heard Shri Nitin S. Kadarale, learned Advocate for the applicant, Shri S.K.Shirse, learned Presenting Officer for the respondent nos.1 to 3 and Shri A.S.Deshmukh learned Advocate for the respondent no.4.

2. Arguments are concluded. Case is reserved for order.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.83/2017
(Sayyed Jarinabi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri H.A.Joshi, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. At the request and consent of both the parties, S.O. to 11-01-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.274/2017
(A.A.Beedkar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri H.A.Joshi learned Advocate holding for Shri Y.P.Deshmukh, 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 11-01-2022.

MEMBER (A)

MEMBER (J)

**O.A.NO.708/2019, 709/2019, 710/2019, 711/2019,
712/2019, 781/2019, 782/2019, 1052/2019,
1053/2019, 1054/2019, 1055/2019
(Dr. U.T.Helkar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri J.S.Deshmukh, learned Advocate for applicants in all these cases and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities in all these cases.

Shri Vivek Bhavthankar, learned Advocate for respondent no.4 in O.A.No.708/2019, Shri M.S.Shendge learned Advocate for respondent nos.3 and 4 in O.A.No.711/2019 and Shri S.R.Dheple learned Advocate for respondent no.3 in O.A.No.781/2019, **are absent.**

2. At the request of learned Presenting Officer, S.O. to 13-01-2022.

MEMBER (A)

MEMBER (J)

O.A.NO.779/2019 AND 780/2019
(Dr. S.S.Dange & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri J.S.Deshmukh, learned Advocate for the applicants and Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 12-01-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.498/2019 IN O.A.ST.NO.1959/2019
(R.D.Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri V.G.Pingle, 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 10-01-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 02.12.2021

**M.A.NO.600/2019 IN O.A.NO.992/2019
(D.T.Deshpande Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 10-01-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.612/2014
(Vidya Sakhare & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri R.L.Kute, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. At the request and consent of both the parties, S.O. to 20-12-2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.738/2016
(A.D.Bedse Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri V.B.Wagh, learned Advocate for the applicant, Shri N.U.Yadav, learned Presenting Officer for the respondent nos.1 to 3 and Shri N.L.Choudhary learned Advocate for respondent no.4.

2. At the request and consent of both the parties, S.O. to 21-12-2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.142/2017
(B.V.Chaudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri A.D.Sugdare, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent no.1 and Shri S.D.Dhongde learned Advocate for respondent nos.2 to 4.

2. At the request and consent of both the parties, S.O. to 21-12-2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.436/2017
WITH
T.A.NO.03/2021 IN W.P.NO.3742/2021
(Shreya Mamode Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Ku. Anagha Pandit learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicant in both cases and Shri I.S.Thorat, learned Presenting Officer for the respondents in both cases.

2. At the request and consent of both the parties, S.O. to 17-12-2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.845/2017
(R.L.Kuskar Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

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

2. At the request and consent of both the parties, S.O. to 10-01-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.01/2019
(L.V.Bharde Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri V.B.Wagh, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. At the request and consent of both the parties, S.O. to 10-01-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.412/2019
(Mohd Faiz Mohd Ibraim Vs. State of Maharashtra & Ors.)

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

DATE : **02.12.2021**

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 05-01-2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.512/2019
(V.R.Dandge Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

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

2. At the request and consent of both the parties, S.O. to 21-12-2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 581 OF 2017
(Smt. Mangal S. Kathar Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 17.01.2022.

MEMBER (J)

KPB ORAL ORDERS 02.12.2021

ORIGINAL APPLICATION NO. 158 OF 2018
(Dr. Yogesh U. Sathe Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

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. By consent of both the parties, S.O. to 11.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 162 OF 2018
(Baliram B. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 and 2 and Shri S.D. Dhongde, learned Advocate for respondent Nos. 3 & 4.

2. By consent of both the parties, S.O. to 18.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 200 OF 2018
(Dinkar G. Shahane Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 10.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 475 OF 2018
(Shivkanya S. Bharti Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 17.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 620 OF 2018
(Baban D. Gadekar Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri V.M. Maney, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 19.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 835 OF 2018
(Sunil K. Pawara Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 21.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 721 OF 2018
(Bhagwan L. Sangle Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 & 4 and Shri S.D. Dhongde, learned Advocate for respondent Nos. 2 & 3.

2. By consent of both the parties, S.O. to 18.01.2022.

MEMBER (J)

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

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Rakesh Jain, learned Advocate for respondent No. 3.

2. By consent of both the parties, S.O. to 10.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 144 OF 2021
(Vithal T. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 12.01.2022.

MEMBER (J)

KPB ORAL ORDERS 02.12.2021

ORIGINAL APPLICATION NO. 297 OF 2021
(Manjusha M. Mutha Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 12.01.2022.

MEMBER (J)

KPB ORAL ORDERS 02.12.2021

**M.A. No. 94/2021 in O.A. St. No. 1060/2019
(Devidas D. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri S.V. Suryawanshi, learned Advocate for the applicant in the present M.A. and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 2 to 8. Shri D.B. Thoke, learned Advocate for respondent No. 1 / applicant in O.A. (**Absent**).

2. By consent of both the parties, S.O. to 18.01.2022.

MEMBER (J)

KPB ORAL ORDERS 02.12.2021

ORIGINAL APPLICATION NO.711 OF 2021
(Lalita Late Bhagwan Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri R.M. Jade, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. As per the contentions raised in the Original Application, the applicant's husband namely Bhagwan G. Gaikwad was working in the officer of Executive Engineer, Jayakwadi Project, Drainage Construction DN No.3, Beed as a Tracer. He died in harness on 15.12.2005. After the death of the applicant's husband, the applicant is receiving family pension from the respondents as per law.

3. However, by impugned order dated 30.03.2021 (Annex. 'A-2') issued by the respondent No.2 i.e. the Treasury Officer, Beed, recovery of excess amount of Rs.4,33,080/- is ordered from monthly pension receivable by the applicant at the rate of Rs.4000/- in 108 installments and one installment is Rs.1080/-.

4. It seems that the applicant has not joined the concerned authority where the applicant's husband was working.

//2//

O.A.711/2021

5. In view of above, the learned Advocate for the applicant seeks permission to add the said authority as party respondent. Permission as prayed for is granted.
6. The applicant to carry out amendment on or before next date.
7. S.O. to 10.12.2021.

MEMBER (J)

ORAL ORDERS 02.12.2021-SAS

ORIGINAL APPLICATION NO.737 OF 2021
(Arun Sambhaji Kapadane Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 12.01.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2//

O.A.737/2021

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

7. S.O. to 12.01.2022.

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

9. The present matter is placed on separate board.

MEMBER (J)

ORAL ORDERS 02.12.2021-SAS

**M.A.NO.323 OF 2021 IN O.A.NO.381 OF 2021
(Swapnil Sunil Shimpi & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri T.R. Daware, learned Advocate holding for Shri Pramod S. Gaikwad, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicants, S.O. to 14.12.2021.

MEMBER (J)

ORAL ORDERS 02.12.2021-SAS

ORIGINAL APPLICATION NO.272 OF 2021
(Jayant R. Bhangare Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.

3. S.O. to 17.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.8 OF 2020
(Arvind M. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri G.N. Kulkarni, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that affidavit-in-reply is already filed on behalf of respondent No.1.
3. Learned P.O. seeks time for filing affidavit-in-reply on behalf of respondent Nos.2 to 4. Time is granted.
4. S.O. to 06.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.15 OF 2020
(Vishnu B. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks permission to withdraw the Original Application unconditionally.

3. I have no reason to refuse the permission to withdraw the Original Application.

4. Hence, permission to withdraw the Original Application is granted.

5. Accordingly, the Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO.211 OF 2021
(Sandu Y. Dongre Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri Sunil B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The present matter is already part heard.
3. At the request of learned P.O., S.O. to 09.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.851 OF 2019
(Ravindra Ramdas Gite Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri Ashish B. Rajkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The present matter is already part heard.

3. At the request of learned P.O., S.O. to 09.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.43 OF 2020
(Baliram M. Malhare Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri G.N. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is filed only on behalf of respondent No.4.
3. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondent Nos.1 to 3.
4. S.O. to 06.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.42 OF 2020
(Balasaheb T. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent Nos.1 to 3. Nobody present on behalf of respondent No.4 though he is duly served.

2. Record shows that affidavit-in-reply is filed on behalf of respondent Nos.1 to 3.

3. At the request of learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder, if any.

4. S.O. to 05.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.388 OF 2020
(Rajendra V. Marale Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondents.
3. S.O. to 06.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.190 OF 2021
(Pratibha M. Bankar Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri R.M. Jade, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos.1 & 2. Smt. Manjushri V. Narwade, learned Advocate for the respondent Nos.3 to 5 is **absent**.

2. Record shows that nobody is appearing on behalf of respondent Nos.3 to 5 since 13.08.2021, though VAKALATNAMA is filed on their behalf. No affidavit-in-reply is filed on behalf of respondent Nos.3 to 5.
3. Affidavit-in-reply of respondent Nos.3 to 5 is necessary.
4. Learned P.O. to bring this position to the respondent Nos.3 to 5.
5. At the request of learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of respondent Nos.1 & 2.
6. S.O. to 04.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.322 OF 2021
(Kantilal K. Naglod Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri G.N. Kulkarni, learned Advocate holding for Shri A.A. Khande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of respondents.

4. S.O. to 06.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.457 OF 2021
(Sahil Arun Kankal Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Smt. Maya R. Jamdhade, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos.1 to 4. Nobody is present on behalf of respondent No.5, though she is duly served.

2. At the request of learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of respondent Nos.1 to 4.

4. S.O. to 04.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.458 OF 2021
(Mahendra K. Yangade Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

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

2. At the request of learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of respondents.

4. S.O. to 04.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.651 OF 2021
(Dr. Shivaji D. Birare Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

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

2. Record shows that the notices are duly served upon the respondent Nos.2 & 3 only.
3. Notice issued to respondent No.1 is returned unserved.
4. Learned Advocate for the applicant submits that address of the respondent No.1 is required to be corrected and therefore, he seeks permission to correct the address of the respondent No.1. Permission as prayed for is granted.
5. Issue fresh notice to the respondent No.1, returnable on 12.01.2022.
6. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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O.A.651/2021

7. 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.

8. 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.

9. 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.

10. S.O. to 12.01.2022.

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

MEMBER (J)

ORIGINAL APPLICATION NO.675 OF 2021
(Dr. Balaji M. Mirkute Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 12.01.2022.

MEMBER (J)

ORAL ORDERS 02.12.2021-SAS

**M.A.NO.247 OF 2020 IN O.S.T.NO.338 OF 2020
(Pandit K. Pawar & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Shri B.R. Kedar, learned Advocate for the applicants is **absent**. Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. As none present on behalf of the Applicant, S.O. to 14.01.2022 for filing affidavit-in-rejoinder by the applicant, if any.

MEMBER (J)

ORAL ORDERS 02.12.2021-SAS

**M.A.NO.06 OF 2021 IN O.A.ST.NO.1419 OF 2020
(Vijay R. Bangar Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri H.P. Jadhav, 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 06.01.2022.

MEMBER (J)

ORAL ORDERS 02.12.2021-SAS

**M.A.NO.07 OF 2021 IN O.A.ST.NO.1416 OF 2020
(Chandrasen V. Lahade Vs. State of Maharashtra & Ors.)**

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

DATE : 02.12.2021

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1 to 5 and Shri S.L. Bhapkar, learned Advocate for the respondent No.6.

2. Affidavit-in-reply filed on behalf of respondent No.6 is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 06.01.2022.

MEMBER (J)

ORAL ORDERS 02.12.2021-SAS

**M.A.NO.122 OF 2020 IN O.A.ST.NO.349 OF 2020
(Narandra Krishna Rameshdev Joshi Vs. State of
Maharashtra & Ors.)**

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

DATE : 02.12.2021

O R D E R

This Misc. Application is made by the applicant seeking condonation of delay of 6 years, 3 months and 25 days in filing the accompanying Original Application under Section 19 of Administrative Tribunals Act, 1985 seeking compassionate appointment.

2. By filing the accompanying Original Application, the applicant is seeking directions against the respondent authorities to consider his claim as per his qualification to enlist his name in the list of compassionate appointment as per his application dated 22.10.2013.

3. The applicant's father died in harness on 20.09.2003 while he was working as Mistari, Grade-II in the office of Sub Divisional Engineer, Sub-Division, Ahmedpur, District Latur. At that time, the applicant was 8 years old. His date of birth is 05.09.1995. The applicant's mother applied for appointment on compassion ground on 05.05.2004.

//2//

M.A.No.122/2020 In
O.A.St.No.349/2020

4. However, her name was deleted on 09.03.2009 by respondent authorities as she crossed the age of 40 years.

5. The applicant attained the age of majority i.e. 18 years on 05.09.2013. Thereafter, he made application for appointment on compassionate ground on 22.10.2013 to the respondent No.4. He made an application within prescribed period of limitation within one year.

6. The respondent authorities by order dated 02.12.2013 (Annex. 'A-4' in O.A.) communicated that his name cannot be considered for appointment on compassionate ground as there is no provision for substitution of his name in place of the name of his mother. However, the name of the applicant's mother was deleted in the year, 2009 as she crossed the requisite age of 40 years. The applicant's mother is receiving only provisional pension. The financial position of the applicant is very weak. The applicant is unemployed. He is hoping for compassionate appointment. The applicant's mother is suffering from mental illness. Due to weak financial position, the

//3//

M.A.No.122/2020 In
O.A.St.No.349/2020

applicant could not approach this Tribunal in time. Hence, the applicant seeks condonation of delay caused in filing the Original Application.

7. Affidavit-in-reply on behalf of respondent Nos.1 to 3 is filed by Babasaheb Marui Thorat, Executive Engineer, Public Works Division, Latur. He has denied the adverse contentions raised in the application and has contended that substitution of the name of applicant in place of name of his mother is not permissible according to law. Moreover, the name of the applicant's mother was already deleted as she crossed the age of 40 years. There is huge delay of 6 years and 3 months in filing the Original Application. No satisfactory explanation is given by the applicant for condonation of delay. Hence, the application deserves to be dismissed.

8. I have heard the arguments advanced by Shri V.B. Wagh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

9. Apart from the grounds mentioned in the application for condonation of delay, the learned

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M.A.No.122/2020 In
O.A.St.No.349/2020

Advocate for the applicant has invited my attention to the communication dated 26.08.2015 (Annex. 'A-6' of paper book) addressed by respondent No.2 i.e. Superintending Engineer to Respondent No.1 opining that case of the applicant requires due consideration as it is not a case of substitution as the name of the applicant's mother was deleted on account of crossing age of 40 years within 4 to 6 years from the date of death of Government servant. However, it is not known as to what happened after communication dated 26.08.2015.

10. In the circumstances, prima-facie, it seems that the proposal of the applicant for compassionate appointment was viable in August, 2015. However, it seems that by earlier communication dated 02.12.2013, the applicant's mother was communicated that the name of the applicant cannot be enlisted in waiting list in her place for want of provision of substitution.

11. In the circumstances as above, it seems that the case of the applicant was under consideration in August, 2015 as stated above. It was the duty of the

//5//

M.A.No.122/2020 In
O.A.St.No.349/2020

respondent authorities to take appropriate decision and communicate the same to the applicant. However, that has not happened.

12. In view of same, even if there is considerable delay of 6 years and 3 months and 25 days, much cannot be attributed to the applicant. No doubt, the applicant was somewhat negligent in pursuing the matter, but the said negligence cannot be said to be gross or deliberate one. By approaching the Tribunal belatedly the applicant had nothing to gain.

13. The abovesaid facts on record would show that the applicant has got good case on merit. Hence, in the circumstances, refusing to give indulgence in the matter is likely to defeat the cause of justice at the threshold. It is settled principle of law that the expression "sufficient cause" is to be construed liberally. In the circumstances, in my considered opinion, this is a fit case to condone the delay of 6 years 3 months and 25 days in filing the Original Application. Therefore, I proceed to pass the following order: -

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M.A.No.122/2020 In
O.A.St.No.349/2020

ORDER

- (i) The present Miscellaneous Application is allowed.
- (ii) The delay of about 6 years, 3 months and 25 days caused in filing accompanying Original Application is hereby condoned.
- (iii) Accompanying O.A. be registered and numbered in accordance with law, after removal of office objections, if any.
- (iv) The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 278/2021
(Dr. Udaykumar D. Padhye Vs. State of Maharashtra & Ors.)

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

DATE : 02.12.2021

ORAL ORDER :

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

2. Learned Presenting Officer for the respondents assured this Tribunal to present the minutes of Departmental Promotion Committee meeting in support of the averments of the respondents that the applicant has availed the benefit of physically handicapped category and also produce the documents relating to departmental enquiry, which they have referred to in affidavit in reply filed on behalf of the respondent Nos. 1 to 3 (internal page-3, page 59 of paper book of O.A.).

3. S.O. to 13.12.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 360/2021
(Kishan Deorao Sangle Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 02.12.2021

ORAL ORDER :

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

2. The present case is heard at length and reserved for orders.

MEMBER (A)

**M.A.NO. 610/2019 IN O.A.ST.NO. 1061/2019
(Shri Kerba Nagoji Jetewad Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORDER

By this Miscellaneous Application the applicant is seeking condonation of delay of 117 days for filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 challenging the impugned order allowing retirement subject to Rules 26, 27 (4) and 130 of the Maharashtra Civil Services (Pension) Rules, 1982.

2. The applicant was appointed as Surveyor in the year 1983. In the year 1988 he was promoted as Nimitandar (Supervisor). In the year 2004 he was promoted as T.I.L.R. and was posted at Nilanga. Later on, the designation of the post of T.I.L.R. was changed as Deputy Superintendent of Land Records.

3. When the applicant was working at Nilanga the complaints were made by one Achyut Raghunath Kulkarni to the department against the applicant and some other employees in respect of faulty survey of

land. Even the criminal case was initiated. The same is bearing No. RCC 26/2016 and it is pending in the

:: - 2 - ::

**M.A.NO. 610/2019 IN
O.A.ST.NO. 1061/2019**

court of learned J.M.F.C. at Nilanga. The co-accused thereof namely Shri Tukaram Baburao Nagure was allowed to retire without observing Rules 26, 27 (4) and 130 of the Maharashtra Civil Services (Pension) Rules, 1982 (herein after referred to as 'the Pension Rules, 1982'); whereas the applicant was allowed to retire on 31.7.2018 as per the impugned order dated 30.7.2018 issued by the respondent No. 2 subject to Rule 26, 27 (4) and 130 of the Pension Rules, 1982.

4. The applicant made representation on 27.7.2018 and many more thereafter to the respondent No. 2 in respect of the said order. However, the grievance of the applicant was not redressed. The applicant was hoping that his grievance would be redressed at the departmental level only and, therefore, could not approach this Tribunal in time. There is delay of about 117 days in filing the accompanying O.A. filed challenging the impugned order dated 30.7.2018 as stated above. The delay is not intentional and deliberate one. The delay is caused due to pendency of

the various representations made by the applicant to the

:: - 3 - ::

**M.A.NO. 610/2019 IN
O.A.ST.NO. 1061/2019**

respondent No. 2. Hence, this Miscellaneous Application.

5. Affidavit in reply on behalf of respondent Nos. 1 to 6 is filed by Shri Ravindra Mankali Narmala, Deputy Superintendent of Land Records, Mudkhed, District Nanded. Thereby it is stated that no sufficient cause has been shown by the applicant in the present Miscellaneous Application for condonation of delay. Hence, the present Miscellaneous Application is deserved to be dismissed.

6. I have heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, at length.

7. Perusal of the record shows that the applicant seeks to challenge the impugned order dated 30.7.2018 issued by the respondent No. 2 allowing the applicant to retire from the Government service w.e.f. 31.7.2018 subject to Rules 26, 27 (4) and 130 of the M.C.S. (Pension) Rules, 1982. It is the contention of

the applicant that similarly situated persons were allowed to retire without observing Rules 26, 27 (4) and

:: - 4 - :: **M.A.NO. 610/2019 IN**
O.A.ST.NO. 1061/2019

130 of the Pension Rules, 1982. The record further shows that the applicant made representation firstly on 27.7.2018. He thereafter made about 5 more representations. His last representation is dated 26.8.2019. The applicant was hoping to get justice through these representations. In view of the same, he could approach this Tribunal by filing accompanying O.A. along with the delay condonation application only on 25.11.2019. In view of the same, there is delay of 117 days in filing the accompanying O.A.

8. It is settled principle of law that expression “sufficient cause” is to be construed liberally. Considering the facts of the case it cannot be said that the applicant deliberately caused the delay in filing accompanying O.A. Thereby the applicant had nothing to gain. The applicant is fighting for his retiral benefits. He is also facing criminal prosecution. In the circumstances, in my considered opinion, this is a fit case to condone the delay. Refusing to condone the delay is likely to defeat the cause of justice at the

threshold. Therefore, I proceed to pass the following order: -

:: - 5 - :: **M.A.NO. 610/2019 IN**
O.A.ST.NO. 1061/2019

ORDER

The present Miscellaneous Application is allowed in the following terms:-

(ii) The delay of about 117 days caused in filing accompanying Original Application is hereby condoned, subject to payment of costs of Rs. 1000/- (Rs. One Thousand only). The applicant shall deposit the amount of cost in the registry of this Tribunal within the period of one month from the date of this order.

(iii) Upon satisfaction of the payment of costs, the office to register the accompanying O.A. in accordance with law by taking into account the other office objections, if any.

(iv) Accordingly, the present Miscellaneous Application stands disposed of.

MEMBER (J)

ORAL ORDERS 2.12.2021-HDD

M.A.NO. 31/2021 IN O.A.ST.NO. 62/2021
(R.J. Nampalle & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 2.12.2021

ORAL ORDER :

Heard Shri V.B. Dhage, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 16.12.2021.

MEMBER (J)

ORAL ORDERS 2.12.2021-HDD

**M.A.NO. 454/2019 IN O.A.ST.NO. 1892/2019
(D.B. Sanap Vs. State of Maharashtra & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that he would produce necessary documents on record to show that the applicant is working since the year 2000 and seeks time. Time granted.

3. The present case be treated as part heard. S.O. to 17.12.2021.

MEMBER (J)

ORAL ORDERS 2.12.2021-HDD

M.A.NO. 68/2020 IN O.A.ST.NO. 2452/2019
(Swati P. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 2.12.2021

ORAL ORDER :

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

2. The present case is pertaining to selection process. Hence, it would be placed before the Hon'ble Division Bench.

3. S.O. to 14.1.2022.

MEMBER (J)

ORAL ORDERS 2.12.2021-HDD

M.A.NO. 21/2020 IN O.A.ST.NO. 2424/2019
(S.V. Thombre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 2.12.2021

ORAL ORDER :

Shri A.S. Shelke, learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.
3. S.O. to 17.1.2022.

MEMBER (J)

ORAL ORDERS 2.12.2021-HDD

O.A.NO. 683/2019 WITH O.A.NO. 902/2019
(S.M. Ghantewad & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 2.12.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicants in both these cases and Smt. M.S. Patni, learned Presenting Officer for the respondents in both these cases.

2. The present cases are heard at length and reserved for orders.

MEMBER (J)

ORAL ORDERS 2.12.2021-HDD

ORIGINAL APPLICATION NO. 721 OF 2019
(Bhagwan W. Landge Vs. State of Maharashtra & Ors.)

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

DATE : 2.12.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to comply with the directions issued by this Tribunal as per order dated 26.10.2021 by filing short affidavit about the updated position. Time granted.

3. S.O. to 22.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 140 OF 2021
(Vishnu M.Misal Vs. State of Maharashtra & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate hlding for Shri S.S. Thombre, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present case is heard at length and reserved for orders.

MEMBER (J)

ORAL ORDERS 2.12.2021-HDD

**M.A.NO. 307/2020 IN O.A.NO. 150/2020
(Ramkrishna D. Nagargoje Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

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

2. The Original Application is filed by the applicant claiming relief of arrears of back-wages and further that the applicant is entitled to get monthly salary of two years and also for extension of age of retirement from 58 years to 60 years.

3. In view of the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding extension in age of retirement are to be dealt with by the Division Bench. The present matter is pertaining to benefit of G.R. / extension in age of retirement.

3. Hence, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 14.1.2022.

MEMBER (J)

ORAL ORDERS 2.12.2021-HDD

**M.A.NO. 317/2020 IN O.A.NO. 151/2020
(Krantikumar V Penurkar Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

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

2. The Original Application is filed by the applicant claiming relief of arrears of back-wages and further that the applicant is entitled to get monthly salary of two years and also for extension of age of retirement from 58 years to 60 years.

3. In view of the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding extension in age of retirement are to be dealt with by the Division Bench. The present matter is pertaining to benefit of G.R. / extension in age of retirement.

3. Hence, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 14.1.2022.

MEMBER (J)

ORAL ORDERS 2.12.2021-HDD

**M.A. 365/21 IN M.A. 332/18 IN O.A.ST. 1178/18
(Pradeep P Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. This M.A. No. 365/2021 has been filed by the applicant seeking setting aside the order of dismissal dated 2.12.2019, thereby M.A. No. 332/2018 In O.A. St. No. 1178/2018 was dismissed for default. The applicant is also seeking condonation of delay of about 14 days caused in filing the present M.A. No. 365/2021.

3. The present M.A. for restoration is made on 15.1.2020. In view of the same, there is delay of about 14 days. It is the contention of the applicant that there is marginal delay of 14 days. The delay is not intentional and deliberate one. Thereby the applicant had nothing to gain.

4. Learned Presenting Officer for the respondents opposed the application.

**:: - 2 - :: M.A. 365/21 IN M.A. 332/18
IN O.A.ST. 1178/18**

5. The Original Application is filed for the relief of compassionate appointment and for that purpose he made M.A. No. 332/2018 seeking condonation of delay of 7 years caused in filing accompanying O.A. St. No. 1178/2018.

6. It is settled principle of law that expression “sufficient cause” is to be construed liberally. In the circumstances, in my considered opinion, this is a fit case to condone the delay and restore the M.A. No. 332/2018 to its original number. Therefore, I proceed to pass the following order: -

ORDER

The M.A. No. 365/2021 is allowed.

(ii) The order of dismissal dated 2.12.2019 passed in M.A. No. 332/2018 in O.A. St. No. 1178/2018 is hereby set aside and the said M.A. No. 332/2018 In O.A. St. No. 1178/2018 is restored to its original file.

(iii) Accordingly, the M.A. No. 365/2021 stands disposed of with no order as to costs.

MEMBER (J)

M.A. 332/18 IN O.A.ST. 1178/18
(Pradeep P Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 2.12.2021

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. S.O. to 13.1.2022.

MEMBER (J)

ORAL ORDERS 2.12.2021-HDD

Date : 2.12.2021

ORIGINAL APPLICATION NO. 763 OF 2021

(Sandip W. Khadse V/s State of Maha. & Ors.)

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

1. Shri A.W. Khadse, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 5.1.2022. The case be listed for admission hearing on **5.1.2022**.

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

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

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

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

REGISTRAR

**C.P. 01/2020 IN O.A. 824/2016
(Dr. Asha A. Kadam Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

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

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

3. S.O. to 8.12.2021.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 2.12.2021

C.P. 16/2020 IN O.A. 886/2018
(Shri B.D. Waghmare Vs. State of Maha. & Ors.)
WITH
C.P. 17/2020 IN O.A. 883/2018
(Shri S.D. Rathod Vs. State of Maha. & Ors.)

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

DATE : **2.12.2021**

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate holding for Shri G.N. Kulkarni, learned Advocate for the applicants in both the C.Ps. and S/shri V.R. Bhumkar & I.S. Thorat, learned Presenting Officers for the respondents in respective cases.

2. Both the Presenting Officers have sought time for filing affidavits in reply of the respective respondents in respective C.Ps. Time granted as a last chance.

3. S.O. to 7.1.2022.

MEMBER (A)

MEMBER (J)

**C.P. 18/2020 IN O.A. 665/2019
(Dr. Vaishali S. Ganjewar Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

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

2. Learned Presenting Officer for the respondents has tendered on record copy of order passed by the respondents. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant.

3. Upon going through the order tendered by the learned P.O. today, the learned Advocate for the applicant seeks leave of this Tribunal to withdraw the present C.P. submitting that representation submitted by the applicant has been decided by the authorities.

4. In view of above, the present C.P. stands disposed of as withdrawn. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

**C.P. 15/2021 IN M.A. 91/2020 IN O.A. ST. 120/2020
(Mahesh D. Shivankar Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant submitted on record the withdrawal pursis signed by the applicant. It is taken on record and marked as document 'X' for the purpose of identification.

3. Learned Advocate for the applicant submits that, though the grievance of the applicant has not been fully redressed by the respondents in view of the order passed by this Tribunal in O.A., he does not want to prosecute the present C.P. further and if further grievance is to be made, he will avail appropriate remedy.

4. In view of above submissions so made by the learned Advocate for the applicant, the present C.P. stands disposed of since withdrawn.

MEMBER (A)

MEMBER (J)

**C.P. 07/2021 IN O.A. 768/2017
(Rajan A. Langde Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent no. 1 and Shri S.B. Mene, learned Advocate for respondent nos. 2 to 4.

2. Learned Advocate for respondent nos. 2 to 4 seeks time to file short affidavit stating that a proposal has already been moved by the concerned respondents to the Law & Judiciary Department for according approval / opinion for filing writ petition against the order of this Tribunal passed in O.A. and the said Department has approved the said proposal of the Department. Accordingly the process for filing writ petition is under progress. Therefore, the learned Advocate for the respondent nos. 2 to 4 is directed to file short affidavit in that regard by annexing therewith relevant documents.

3. S.O. to 4.1.2022 for compliance on the above line from the side of respondent nos. 2 to 4.

MEMBER (A)

MEMBER (J)

**C.P. 09/2021 IN O.A. 70/2018
(Dadabhau T. Parte Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. S.O. to 16.12.2021.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 2.12.2021

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

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

DATE : **2.12.2021**

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate holding for Shri Ashwin V. Sakolkar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in the present O.A., returnable on 17.1.2022.

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

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

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O.A. NO. 742/2021

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 17.1.2022.

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

MEMBER (A)

MEMBER (J)

**M.A. NO. 379/2021 IN O.A. ST. 1643/2021
(Arvind Bhingardive & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. The present Misc. Application has been filed by the applicants for permission to sue the respondents jointly in the accompanying O.A.

3. All the applicants were Members of the Special Squad to detect the illegal activities in respect of illegal spurious diesel transportation. The allegations against all of them are based on one and the same incident. Therefore, they have a common cause of action and the parties agreed that no prejudice will be caused to the two contesting side.

4. In the above circumstances, in the interest of justice and to avoid multiplicity of litigations, the present M.A. for permission to sue the respondents jointly in the accompanying O.A. is granted.

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M.A. NO. 379/2021 IN
O.A. ST. 1643/2021

5. Accordingly, the present M.A. stands disposed of with no order as to costs.

6. Registry to register the accompanying O.A. on its due scrutiny.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 2.12.2021

O.A. ST. 1643/2021

(Arvind Bhingardive & Ors. Vs. State of Maha. & Ors.)

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

DATE : 2.12.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in the present O.A., returnable on 18.1.2022.

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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 18.1.2022.

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

MEMBER (A)

MEMBER (J)

**C.P. 18/2021 IN O.A. 229/2021
(Syed Azam Syed Lal Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

Heard Smt. A.N. Ansari, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned P.O., S.O. to 17.12.2021 for reporting compliance of the order passed by the Tribunal dated 14.3.2016 in O.A. no. 229/2009.

3. Registry is directed to tag O.A. no. 508/2017 along with the present matter.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 266/2020
(Suvarna G. Randhawane Vs. State of Maha. & Ors.)

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

DATE : **2.12.2021**

ORAL ORDER :

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

2. In view of absence of learned Advocate for the applicant, S.O. to 17.1.2022. Await service of notice upon the respondents.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 2.12.2021

**ORIGINAL APPLICATION NO. 451/2020
(Shrihari S. Solanke Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

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

2. It appears from the record that the respondent no. 2 has already filed affidavit in reply. Learned P.O. seeks time for filing affidavit in reply of respondent nos. 1 & 3. Time granted as a last chance.

3. S.O. to 10.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 2.12.2021

**ORIGINAL APPLICATION NO. 636/2021
(Vitthal S. Jadhav Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that all the respondents are served with the notice of the Tribunal and he is going to file service affidavit in the Registry.

3. Learned P.O. seeks time for filing affidavit in reply of the respondents. Time granted.

4. S.O. to 17.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 126/2021
(Dadabhau N. Gawali Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

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

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

3. S.O. to 17.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 2.12.2021

**ORIGINAL APPLICATION NO. 652/2021
(Sadashiv N. Pohandulkar & Ors. Vs. State of Maha. &
Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

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

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

3. S.O. to 17.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 2.12.2021

ORIGINAL APPLICATION NO. 111/2013
(Gajanan M. Shikare Vs. State of Maha. & Ors.)

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

DATE : **2.12.2021**

ORAL ORDER :

Heard Shri V.S. Halkude, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 & 2, Shri G.J. Korre, learned Advocate for respondent no. 3 and Shri S.K. Sawangikar, learned Advocate for respondent no. 4

2. With the consent of both the sides, S.O. to 5.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 2.12.2021

**O.A. NO. 159/2010 WITH O.A. NO. 341/2010 WITH O.A. 424/2015
(Dr. Prakash A. Sawant & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

Heard Shri K.J. Suryawanshi, learned Advocate for himself and holding for Shri A.S. Deshmukh, learned Advocate for respective applicants in respective O.As., Shri S.K. Shirse & Smt. M.S. Patni, learned Presenting Officers for the respondent authorities and Shri K.G. Salunke, learned Advocate for respondent no. 10 in O.A. No. 28/2015. Shri Sachin G. Joshi, learned Advocate for respondent no. 9, Shri Vivek Bhavthankar, learned Advocate for respondent no. 11, Shri S.T. Shelke, learned Advocate for respondent no. 13, Shri S.B. Gastgar, learned Advocate for respondent no. 14, Shri U.B. Bondar, learned Advocate for respondent no. 7 & Shri S.S. Dambe, learned Advocate for respondent no. 8 in O.A. No. 424/2015 are **(absent)**.

2. At the request of learned Advocate for the applicants, S.O. to 30.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 724/2021
(Sunil S. Mate Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

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

2. The applicant has preferred the present O.A. for expunging the remarks in the enquiry report dated 10.8.2017, which was conducted against him by the respondent no. 1 to the effect that –

“.....नमुद खरेदी समितीने निविदे पक्रियेनंतरची पुरवठादार निवड व दरनिश्चिती सदोष पध्दतीने राबविल्याचे निदर्शनास येते, असे चौकशी पथकांचा निष्कर्ष असून, अहवाल व अभिप्राय स्विकृतीस विनंती”

3. It is the contention of the applicant that some time in the year 2016, the complaint allegedly made by the respondent no. 8 namely Shri Pandurang Devaji Patil was received against the present applicant and on the basis of the said complaint the preliminary enquiry was directed against the applicant. Learned Advocate further submitted that in the said enquiry it

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O.A. NO. 724/2021

was noticed that the said respondent no. 8 had not made any complaint against the applicant and somebody else has falsely made the said complaint in his name. Learned Advocate for the applicant submitted that in the circumstances no action was proposed against the present applicant and the matter was closed. He further submitted that, however, the Enquiry Officer without any good reason made the following observations :-

“.....नमुद खरेदी समितीने निविदे पक्रियेनंतरची पुरवठादार निवड व दरनिश्चिती सदोष पध्दतीने राबविल्याचे निदर्शनास येते, असे चौकशी पथकांचा निष्कर्ष असून, अहवाल व अभिप्राय स्विकृतीस विनंती”

4. Learned Advocate for the applicant submits that in the circumstances, the applicant has filed the present O.A. He has further submitted that after the long lapse of about 5 years, the applicant has now received a notice on 23.9.2021 issued by P.I., A.C.B., Dhule and the applicant has been directed to remain present before the said authority for giving his statement. Learned Advocate further submits that when it was revealed that the alleged complaint made against the applicant was fake complaint and the said matter was closed, same cannot be now reopened. In

the circumstances, the applicant has prayed for Interim Relief restraining the respondent nos. 6 & 7 from conducting the said enquiry.

5. Learned Presenting Officer appearing for the respondents has opposed for accepting any such request stating that the action now initiated is an independent action based on certain other information received.

6. We have gone through the documents filed on record of O.A. The impugned notice dated 23.9.2021 issued to the applicant is on page 61 of paper book. On perusal of said notice it apparently reveals that action as contemplated in the said notice is not based only on earlier enquiry conducted against the applicant and there appear some more grounds for initiation of said enquiry.

7. In the above circumstances, we do not find that any case is made out by the applicant for grant of interim relief, at this stage. Therefore, prayer of the applicant for grant of Interim Relief is rejected.

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O.A. NO. 724/2021

8. Issue notices to the respondents in the present O.A., returnable on 18.1.2022.

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

10. 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.

11. 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.

12. 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.

13. S.O. to 18.1.2022.

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O.A. NO. 724/2021

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

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 2.12.2021

**ORIGINAL APPLICATION NO. 751/2021
(Santosh N. Home Vs. State of Maha. & Ors.)**

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

DATE : 2.12.2021

ORAL ORDER :

Heard Smt. Maya Jamdhade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Perused the documents filed on record by the applicant. It is the contention of the applicant that though the present applicant was in all respect eligible to get appointment on compassionate ground, he is not given the said appointment till now and in seniority list maintained by the respondents of the compassionate appointment seekers, his name is placed at Sr. no. 39 wrongly against the norms laid down therefor.

3. From the documents placed on record and having regard to the relevant G.Rs, we are convinced that prima-facie case is made out by the applicant for grant of interim relief. Therefore, we pass the following order :-

ORDER

4. Issue notices to the respondents in the present O.A., returnable on 18.1.2022.

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

6. 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.

7. 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.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in

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O.A. NO. 751/2021

the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. The interim relief in terms of prayer clause (B) of the O.A. is granted. The said prayer clause (B) of the O.A. reads as follows :-

“(B) Pending hearing and final disposal of this Original Application this Hon’ble Tribunal may direct the respondent no. 2 not to fill up one post of Installation Assistant / Assistant Civil Engineer among the waiting list dated 16.8.2021 for appointing on compassionate ground.”

10. S.O. to 18.1.2022.

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

MEMBER (A)

MEMBER (J)