

C.P. No. 34/2019 in O.A. No. 925/2017
(Mahadeo B. Khandare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate holding for Smt. Amruta Paranjape-Menzes, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 2. Shri A.B. Shinde, learned Advocate for respondent No. 3 and Shri Deepak Rajput, learned Advocate for respondent No. 4, are **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 21.09.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 40/2019 in O.A. No. 798/2018
(Rajendrakumar P. Barhate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

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

Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent.

2. Record shows that respondent No. 1 has already filed affidavit in reply.

3. Learned Chief Presenting Officer submits that the applicant is no more. The order in question is complied with by the respondents and he will produce death certificate of the applicant and pension papers sanctioned by the authority on the next date of hearing.

4. S.O. to 31.08.2021.

MEMBER (A)

MEMBER (J)

**C.P. No. 07/2021 in O.A. No. 768/2017
(Rajan A. Lengde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 25.08.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent No. 1.

2. Learned Advocate Shri S.B. Mene, has filed **VAKALATNAM** on behalf of respondent Nos. 2 to 4. Same is taken on record.

3. At the request made on behalf of the respondents, time is granted for filing affidavit in reply.

4. S.O. to 20.09.2021.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 25.08.2021

ORAL ORDER :

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

2. Record shows that pleadings up to rejoinder are complete. The present matter is pertaining to removal of the applicant from service.

3. In view of above, the present O.A. is admitted and it be kept for final hearing on 06.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 22 OF 2020
(Santosh G. Rane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 07.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 255 OF 2021
(Ashwini M. Dudhbhate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3.

2. Learned Advocate Shri M.B. Kolpe, has filed **VAKALATNAM** on behalf of respondent No. 4. Same is taken on record.

3. Learned Advocate Shri Avinash S. Deshmukh, has filed **VAKALATNAM** on behalf of respondent No. 5. Same is taken on record.

4. At the request of learned Presenting Officer for respondent Nos. 1 to 3 and learned Advocates for respondent Nos. 4 & 5, time is granted for filing affidavit in reply.

5. S.O. to 28.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 342 OF 2021
(Kalpana T. Shelke & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that in spite of interim order of stay to the execution of the impugned order, the applicants have not been allowed to join on the present post of Circle Officer and they have not been paid salary since 01.07.2021.

3. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3. Same it taken on record and copy thereof has been served on the other side.

4. S.O. to 30.08.2021. Interim relief granted earlier to continue till next date.

MEMBER (A)

MEMBER (J)

M.A. No. 185/2021 in O.A. No. 257/2021
(Nanasaheb L. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

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

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

3. Learned Advocate for the applicant seeks time for filing rejoinder affidavit in O.A. Time granted.

4. S.O. to 28.09.2021.

MEMBER (A)

MEMBER (J)

**M.A. No. 192/2021 in O.A. No. 258/2021
(Laxman N. Sormare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 25.08.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed separate affidavit in replies on behalf of respondent Nos. 2, 4 & 5 in M.A. and O.A. Same are taken on record and copies thereof have been served on the other side.

3. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted.

4. S.O. to 28.09.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 253/2021 in O.A. St. No. 1057/2021
(Shyamsunder S. Ramdasi & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue the respondents jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 1057 OF 2021
(Shyamsunder S. Ramdasi & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The present Original Application is filed for various reliefs as follows:-

- "A. To direct the respondents to promote the applicants forthwith to the post of Technical Officer, since they are entitled, as per notification dated 31.08.2018 issued by the Desk Officer, Food Civil Supplies & Consumer Protection Department, Mantralaya, Mumbai.*
- B. To direct the respondent to grant deem date of promotion to the applicants since they are entitled, with all consequential service benefits within a stipulated period.*
- C. To direct the respondent No. 1 and 2 to hear and decide the representations dated 21.10.2020, 28.10.2020 and 22.12.2020 forwarded by the applicants pending hearing and final disposal of the Original Application.*

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O.A. St. 1057/2021

- D. *To direct the respondent No. 1 and 2 to consider the applicants for the promotion on the post of Technical Officer from the date of eligibility.*
- E. *To grant any other reliefs to which the applicants are entitled to in the peculiar facts and circumstances of the present case.”*

3. As regards prayer clause 16(A) of the O.A., we are of the opinion that prima-facie it seems that the said prayer clause 16(A) is of presumptive in nature and question arises as to whether the O.A. for such prayer would be maintainable before this Tribunal. Hence, we are keeping open the point of maintainability on that aspect.

4. Issue notice to the respondents, returnable on 22.09.2021.

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

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O.A. St. 1057/2021

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

9. S.O. to 22.09.2021.

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

11. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 463 OF 2021
(Payal P. Tathe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 25.08.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 29.09.2021.

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

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O.A. No. 463/2021

(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. S.O. to 29.09.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

C.P. No. 28/2018 in O.A. No. 516/2013
(Dr. Appasaheb S. Dhus Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

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

2. Record shows that G.R. dated 13.10.2020 (document 'X') in compliance of the order in question dated 10.12.2014 in O.A. No. 510/2013 & 10 others is issued by the respondent. In view of the same, grievance of the applicant said to have been redressed.

3. In the result, the C.P. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

C.P. No. 29/2018 in O.A. No. 511/2013
(Dr. Ramesh J. Dhapte Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Record shows that G.R. dated 22.10.2020 (document 'X') in compliance of the order in question dated 10.12.2014 in O.A. No. 510/2013 & 10 others is issued by the respondent. In view of the same, grievance of the applicant said to have been redressed.

3. In the result, the C.P. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

C.P. No. 30/2018 in O.A. No. 510/2013
(Dr. Satish D. Londhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

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

2. Record shows that G.R. dated 26.10.2020 (document 'X') in compliance of the order in question dated 10.12.2014 in O.A. No. 510/2013 & 10 others is issued by the respondent. In view of the same, grievance of the applicant said to have been redressed.

3. In the result, the C.P. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

M.A. No. 265/2021 in O.A. No. 198/2021
(Sangita A. Chitale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri S.R. Shirsath, learned Advocate for the applicants/ interveners in the present M.A. and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 8 and Shri Sandeep D. Munde, learned Advocate for respondent Nos. 9 to 20 / applicants in O.A.

2. The present Misc. Application is filed by the applicants herein for joining themselves as party respondents in the O.A. No. 198/2021.

3. The Original Application is filed challenging the initial impugned communication letter/ order dated 06.04.2021 (Annexure A-6) issued by the respondent No. 1 providing criteria for fixing the seniority of Kotwal in Beed district. During pendency of the Original Application, seniority list is prepared by the respondent No. 3 i.e. the Collector, Beed. The applicants are aggrieved by the said seniority list dated 10.05.2021 (Annexure A-11). In the said seniority list,

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M.A. 265/2021 in
O.A. 198/2021

the applicants in the O.A. / respondent Nos. 9 to 20 in the present M.A. were at Sr. No. 167 onwards.

4. The present applicants who want to be joined as the respondents in the O.A. say that they are in the said seniority list from Sr. Nos. 86 to 110 i.e. above the applicants in the O.A. In view of the same, they contend that if the prayers in the O.A. are granted, they would be adversely affected. In view of the above said uncontroverted position, in our opinion, it would be just and proper to allow the present applicants in the M.A. to join as party respondents in the O.A. No. 198/2021.

5. Hence, the M.A. No. 265/2021 is allowed. The applicants in O.A. shall carry out the necessary amendment in the O.A. within a period of one week.

6. Accordingly, M.A. No. 265/2021 stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 198 OF 2021
(Umesh A. Bavare & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. Learned Presenting Officer states that the respondent Nos. 4 to 8 adopt the affidavit in reply filed by the respondent Nos. 1 to 3.

4. S.O. to 29.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 455 OF 2021
(Anil T. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

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

2. The present Original Application is filed stating that the applicant is entitled for promotion on the post of Range Forest Officer and therefore, he is seeking direction to respondents to consider the claim of the applicant for promotion to that post as being eligible as per Recruitment Rules and to grant all consequential benefits. The applicant is seeking interim relief in terms of prayer clause 12 (A) as follows:-

- “A) Pending hearing and final disposal of the Original Application, the respondent No. 1 may kindly be directed to take decision and approve the recommendation proposal dated 01.08.2018 submitted by the respondent No. 3 before the date of meeting of Departmental Promotion Committee which is scheduled on 30.08.2021 and keep one post of Range Forest Officer Vacant from the sanctioned 134 posts.”

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O.A. No. 455/2021

3. It is the case of the applicant that he came to be appointed as Forest Guard from the quota reserved for Handicapped person on 29.12.2006. After completion of requisite service of three years, the applicant was promoted to the post of Forester from 03.09.2013. Thereafter, the applicant was granted deemed date of promotion as of 11.05.2010. The applicant got said benefit as per the order of the Divisional Selection Committee passed on 30.06.2018 as per resolution passed in the meeting. However, the said promotion was granted subject to the relaxation of the Recruitment Training for the post of Forest Guard and approval of the Government to that effect. The respondent No. 3 recommended the proposal to the respondent No. 1 for its approval on 01.08.2018. The said recommendation is still pending for final approval. Meanwhile, the respondent No. 2 addressed letter 08.07.2021 (Exhibit A-10) to all the Chief Conservators of Forest and Conservators of Forest in State along with list of Foresters, who are eligible to be promoted to the post of Range Forest Officer. However, the applicant noticed that his name is not in that list, though the Foresters, who are junior to

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O.A. No. 455/2021

him, are in that list. Thereafter, corrigendum dated 10.08.2021 is issued by the respondent No. 2 restricting list only up to Sr. No. 225 as the promotional posts of Forester were brought down to 134.

4. It is the contention of the applicant that he learnt that the meeting of Departmental Promotion Committee necessarily will be held before 30.08.2021. In view of the same, the applicant is seeking interim relief for issuance of direction to the respondent no. 1 to decide the recommendation of respondent No. 3 dated 01.08.2018 before 30.08.2021, which is pending before him for approval.

5. Learned Presenting Officer for the respondents opposed the submissions raised on behalf of the applicant and submitted that it would not be possible and practicable to decide the issue of approval within four or five days as prayed for by the applicant. He would take instructions from the respondents and will file affidavit in reply.

6. Considering the facts and circumstances as referred in the O.A. and the annexures thereof, it is,

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O.A. No. 455/2021

prima-facie, evident that the applicant is aware of all this process since 08.07.2021. The applicant has filed present O.A. on or before about 17.08.2021. Thereafter, on circulation the present O.A. is placed for interim relief and issuance of notices.

7. Learned Advocate for the applicant submits that he has privately served the respondents on 20.08.2021. In the circumstances, the applicant is exhibiting urgency in the matter, however, if such interim relief as prayed for by the applicant is granted, the process of promotion will be disturbed affecting other eligible candidates. It is not that by issuing notices to the respondents and not granting interim relief as prayed for by the applicant would frustrate the reliefs claimed by the applicant. In view of the same, we are not inclined to grant interim relief at this stage in totality, but we direct the respondents to keep one post vacant till filing of affidavit in reply by the respondents. Ordered accordingly.

8. Issue notice to the respondents, returnable on 29.09.2021.

9. 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. No. 455/2021

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 29.09.2021.

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

15. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.297/2019
(Balaji Shinde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 25.08.2021
ORAL ORDER :

Heard Shri Deepak S. Manoorkar, learned Advocate for the applicant, Shri D.R.Patil, learned Presenting Officer for the respondent no.1 and Shri S.B.Mene learned Advocate for respondent nos.2 and 3.

2. Learned Advocate for the respondent nos.2 and 3 may file short affidavit, if necessary.

3. Learned Advocate for the respondent nos.2 and 3 prays for adjournment. Adjournment is granted.

4. S.O. 14-09-2021.

MEMBER (A)

YUK ORAL ORDERS 25.08.2021

ORIGINAL APPLICATION NO.141/2019

(Dr. Pandharinath Gawali & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 25.08.2021

ORAL ORDER :

Heard Shri S.G.Kulkarni learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent.

2. Learned P.O. prays for adjournment. Adjournment is granted.

3. S.O. to 30-08-2021.

MEMBER (A)

YUK ORAL ORDERS 25.08.2021

ORIGINAL APPLICATION NO.83/2020
(Devendra Sonar Vs. State of Maharashtra & Ors.)

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

DATE : 25.08.2021

ORAL ORDER :

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

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. 14-09-2021.

MEMBER (A)

YUK ORAL ORDERS 25.08.2021

ORIGINAL APPLICATION NO.427/2021
(Balasaheb Thorat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 25.08.2021
ORAL ORDER :

Heard Shri Abhijeet Thombre learned Advocate holding for Shri S.B.Solanke, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent.

2. Learned Advocate for the applicant has submitted a communication made by the applicant Shri Balasaheb Thorat addressed to Shri S.B.Solanke, learned Advocate whereby the applicant has expressed his desire to withdraw the O.A. In view of the same, learned Advocate for the applicant prays for withdrawal of the O.A. Same is granted.

3. Accordingly, O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

ORIGINAL APPLICATION NO.502/2020
(Shrikant B. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 25.08.2021
ORAL ORDER :

Shri R.N.Bharaswadkar, learned Advocate for the applicant has filed **leave note** on record. Shri D.R.Patil, learned Presenting Officer for the respondent is present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 27-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.670 OF 2018
(Kishan A. Palke & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri A.K. Sable, learned Advocate holding for Shri Ramesh I. Wakade, learned Advocate for the Applicants and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the Applicants, time is granted for filing affidavit-in-rejoinder, if any.
3. S.O. to 30.09.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.117 OF 2019
(Sainath K. Matkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 25.08.2021

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri Prasad D. Jarare, 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, time is granted for filing affidavit-in-rejoinder, if any.
3. S.O. to 30.09.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.28 OF 2020
(Anil P. Salve Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 25.08.2021

ORAL ORDER :

Heard Shri Kiran G. Salunke, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. Pleadings are complete. The matter is admitted and kept for final hearing on 5.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.154 OF 2021
(Surendra H. Gandam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri Satish Chitgopekar, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents submits that though earlier reply is stated to be filed on behalf of the Respondent Nos.1 to 5 it is reply infact on behalf of the Respondent Nos.4 & 5.

3. Record shows that affidavit-in-rejoinder is filed by the Applicant to the affidavit-in-reply thereto.

4. Learned P.O. for the Respondents submits that the Respondent Nos.1 to 3 have prepared separate reply and he seeks permission to file the same.

5. Learned Advocate for the Applicant submits that in the facts and circumstances, it can be taken on record as affidavit-in-sur-rejoinder.

6. Learned P.O. for the Respondents submits that if the affidavit of Respondent Nos.1 to 3 is treated as sur-rejoinder then the right of Respondent Nos.1 to 3 of filing reply would go away and, if necessary, Respondents would file sur-rejoinder to affidavit-in-rejoinder filed by the Applicant.

7. Record shows that in the earlier affidavit-in-reply filed by the Respondents it is mentioned that it is affidavit-in-reply of Respondent Nos.1 to 5. In the said affidavit it is not specifically mentioned that the deponent was authorized to file reply on behalf of all the Respondents. In such circumstances, in our opinion, the separate reply sought to be filed by Respondent Nos.1 to 3 is required to be taken on record. It is taken on record accordingly.

8. At this stage, learned Advocate for the Applicant submits that during pendency of this Original Application, the Applicant has come across the communication dated 13.08.2021 issued by the Respondent No.5 i.e. District Superintendent of Police, Jalna to Director General of Police, Maharashtra State, Mumbai. In view of same, he has made representation dated 20.08.2021 to the Respondent Nos.1 & 5. He places on record the copy of representation along with annexure. It is take on record and marked as document 'X' collectively for the purpose of identification.

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O.A.154/2021

9. In view of recent development, learned Advocate for the Applicant seeks permission to amend the Original Application suitably. Permission is granted. Amendment be carried out on or before next date.

10. S.O. to 29.09.2021.

MEMBER (A)

MEMBER (J)

M.A.NO.243/2021 WITH M.A.NO.50/2018
IN
ORIGINAL APPLICATION NO.223 OF 2018
(Madhav V. Kale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri M.R. Deshmukh, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondent Nos.1 to 3. Shri S.N. Gaikwad, learned Advocate for the Respondent No.5 (**absent**). None appears on behalf of the Respondent Nos.4 & 6.

2. Both the Misc. Applications are made for production of certain documents in the Original Application.

3. Learned Advocate for the Applicant submits that the production is necessary in view of certain developments which took place during pendency of this Original Application.

5. In view of same, if only production of the documents is allowed, no reference will be found in the Original Application.

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**M.A.243/21 WITH M.A.50/21
IN O.A.223/18**

6. In such circumstances, learned Advocate for the Applicant seeks leave of this Tribunal to amend the pleadings. Leave as prayed for is granted. Amendment be carried out on or before next date. Thereafter, these applications will be considered.

7. S.O. to 27.09.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.245 OF 2021 IN O.A.NO.320 OF 2021
(Amol D. Jeve Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 25.08.2021

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. By consent of both the parties, adjourned to 02.09.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.254 OF 2021 IN O.A.NO.192 OF 2021
(Suresh B. Lande Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 25.08.2021

ORAL ORDER :

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

2. By consent of both the parties, adjourned to 03.09.2021.

MEMBER (A)

MEMBER (J)

M.A.NO.257 OF 2021 IN O.A.NO.252 OF 2021
(Arati A. Ghatkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri Sunil B. Kakde, learned Advocate for the Applicant and Ms. M.S. Patni, learned Presenting Officer for the Respondents.

2. By consent of both the parties, adjourned to 03.09.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.137 OF 2017
(Namdeo S. Arsale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 25.08.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Due to paucity of time, S.O. to 02.09.2021 for final hearing.
3. The present case is already part heard.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.663 OF 2017
(Subhash M. Pakhale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 14.09.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.406 OF 2018
(Arun S. Gosavi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 14.09.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.682 OF 2018
(Rahul S. Shirsath Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 16.09.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 141/2020
(Anil D. Sanap Vs. State of Maharashtra & Ors.)**

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

DATE : 25.08.2021

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.B. Solanke, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, 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 23.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 577/2020
(Kalidasa B. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 25.08.2021

ORAL ORDER :

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

2. Learned Advocate has filed rejoinder affidavit of the applicant to the affidavit in reply filed by the respondent no. 1. It is taken on record and copy thereof has been supplied to the learned P.O. for the respondents.

3. S.O. to 29.9.2021. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 436/2021
(Adinath V. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 25.08.2021

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri N.U. Yadav, 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 15.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 91/2020
(Shyam K. Bhavsar Vs. State of Maharashtra & Ors.)

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

DATE : 25.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The record shows that the affidavit in reply is filed only on behalf of the respondent no. 4. Learned P.O. seeks time for filing affidavit in reply on behalf of rest of the respondents. Time granted.

3. S.O. to 23.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 347/2020
(Jitendra B. Raipure Vs. State of Maharashtra & Ors.)

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

DATE : 25.08.2021

ORAL ORDER :

Heard Smt. Asha Gore, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 22.9.2021 for hearing at the stage of admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 209/2021
(Sayed Shoukatali Sabirali Vs. State of Maharashtra & Ors.)

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

DATE : 25.08.2021

ORAL ORDER :

Heard Shri H.M. Shaikh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has filed written notes of arguments. The same is taken on record.

3. Record shows that the pleadings of both the sides are complete. The matter is pertaining to the suspension of the applicant vide the impugned order dated 31.7.2020. Learned Advocate for the applicant submits that, during the pendency of the present O.A., the applicant has been reinstated in service vide order dated 25.5.2021 by revoking the suspension order. He has stated so in the rejoinder affidavit filed in June, 2021.

4. In view of above situation, now the matter relates regarding payment of requisite consequential benefits.

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O.A. NO. 209/2021

In the circumstances, the present matter be fixed for hearing at the stage of admission.

5. S.O. to 21.9.2021.

MEMBER (J)

M.A. 71/2021 IN O.A. 80/2021
(State of Maharashtra & Ors. Vs. Bhimrao N. Kokate)

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

DATE : 25.08.2021

ORAL ORDER :

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in the present M.A. respondents in O.A. and Shri K.B. Jadhav, learned Advocate holding for Shri Shamsundar B. Patil, learned Advocate for respondent in the present M.A. / applicant in O.A.

2. Learned Advocate for the applicant has filed rejoinder affidavit in O.A. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 8.9.2021.

MEMBER (J)

**M.A. ST. 889/2021 WITH M.A. ST. 890/2021 WITH
M.A. 111/2020 IN O.A. ST. 1964/2018
(Madhav B. Marde & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 25.08.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. M.A. St. no. 889/2021 and M.A. St. No. 890/2021 respectively are filed for condonation of delay caused in filing M.A. St. 890/2021 for restoration of M.A. No. 111/2020 in O.A. st. no. 1964/2018.

3. Record shows that M.A. no. 111/2020 deemed to have been dismissed on 17.4.2020 as no service affidavit was filed by the applicant 3 days before the returnable date. Subsequently before sending the matter to the Record Room, the learned Registrar passed order on 3.12.2020 passing the consequential order of dismissal. In the circumstances, limitation to file restoration application would start from 17.4.2020 and not from 3.12.2020.

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**M.A. 111/2020
IN O.A. ST. 1964/2018**

4. In the M.A. st. no. 889/2021 filed for condonation of delay caused in filing restoration application, it is stated that there is delay of 195 days being calculated from 6.12.2020. However, if the date of deemed dismissal is taken into consideration, there will be delay of about 413 days for filing restoration application.

5. In view of above, learned Advocate for the applicants seeks leave of the Tribunal to amend the M.A. st. 889/2021 suitably thereby mention the exact delay of 413 days instead of 195 days caused in filing the same. Leave as prayed for is granted. Learned Advocate for the applicants undertakes to amend M.A. St. 889/2021 forthwith.

6. S.O. to 2.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 44/2020
(Smt. Asha S. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 25.08.2021

ORAL ORDER :

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

2. Considering the facts and circumstances of the present case, it is evident that the G.R. dated 6.12.2010 as referred in the letter (Annex. A-15 paper book page 65) is required to be considered. However, copy of the said G.R. is not placed on record.

3. In the circumstances, either of party to place on record the copy of G.R. dated 6.12.2020 as referred in the letter (Annex. A-15 paper book page 65), by the next date.

4. S.O. to 27.8.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.787 OF 2019
(Laxman P. Huse Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 25.08.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. Affidavit-in-rejoinder filed by the Applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 16.09.2021 for final hearing.

MEMBER (A)

MEMBER (J)

Date :23.08.2021

ORIGINAL APPLICATION NO.454 OF 2021

(Shri Dipak Laxmanrao Pendkar V/s The State of Maharashtra & Ors.)

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

1. Smt. Megha Y. Mali, ld. Advocate holding for Shri S.K. Mathpati, ld. Advocate for the applicant and Shri D.R. Patil, ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 23.09.2021. The case be listed for admission hearing on 23.09.2021.
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