

**ORIGINAL APPLICATION NO. 569 OF 2021**  
**(Jagannath M. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. The present Original Application has been filed by the applicant viz. Jagannath Manik Jadhav, challenging the show cause notice dated 25.8.2021, a copy of which is placed on record at Annexure 'A-10', page Nos. 80-83, issued by the respondent No. 2 – The Additional Director General of Police & Director, Police Wireless and Transportation, M.S., Pune, as to why he should not be dismissed from the service in view of charges being proved against the applicant in the departmental enquiry held against him.

3. The applicant came to be appointed as a Police Constable on 1.6.1984 in the office of S.R.P.F. Group-8, Daund. Subsequently he was appointed on the post of Head Constable / Wireless Operator. On 1.6.2008 he was

promoted on the post of Assistant Police Sub-Inspector / Head Wireless Operator. He worked in that capacity at various places. On 31.7.2014 he was promoted on the post of Police Sub Inspector. On promotion he was posted in the office of SRPF, Group No. 5, Daund, wherefrom he was transferred on 31.8.2016 to the office of SRPF, Dhule. Thereafter, on 9.11.2020 the applicant has been transferred from Dhule to his present posting in the office of respondent No. 3 i.e. Superintendent of Police, Beed and since then he is working there.

4. It is the contention of the applicant that while he was working in the office of SRPF, Daund one false criminal case came to be registered against him on 1.6.2016 under Sections 354 (A) (1), 354 (B), 417, 498-A and 34 of IPC. According to the applicant, that was false complaint lodged by one Rutika Ashish Jadhav alias nee Rutika Vishnu Gaikwad, thereby it was alleged that one Sunita /Shahnaz and her son namely Tanveer Abdul Gani Shaikh were residing with the applicant. The applicant represented the said Tanveer Shaikh as his real son by name Ashish falsely and performed engagement ceremony of the said Tanveer Shaikh with the informant namely Rutika Vishnu Gaikwad. At that time, the applicant represented that said Tanveer Abdul Gani Shaikh was his son, but introduced him in the name of as his son by name Ashish and marriage was solemnized with her. It is further alleged that legally

wedded wife of the applicant namely Rekha is alive but without taking divorce from her the applicant is residing with one Shahnaj alias Sunita. The said Sunita / Shahnaj is also not divorcee.

5. In view of the said criminal case charge-sheet was served upon the applicant for departmental enquiry on 8.8.2019, Annexure 'A-2' by the respondent No. 4. In the said departmental enquiry various witnesses were cited. The said witnesses did not appear. However, subsequently respondent No. 4 decided to withdraw the charge-sheet dated 8.8.2019 and to issue fresh charge-sheet in view of certain irregularities, as per order dated 18.12.2019, Annexure 'A-5'. Accordingly, second charge sheet was served upon the applicant. During this second departmental enquiry evidence of only one witness i.e. wife of the applicant namely Rekha was recorded. The rest of the witnesses did not appear. However, the enquiry officer filed his report dated 1.2.2021, Annexure 'A-9 collectively' holding that all the four charges are proved against the applicant. Pursuant to that the respondent No. 2 has issued the impugned show cause notice dated 25.8.2021, Annexure 'A-10', which is challenged by the applicant and he is seeking interim stay to the execution and implementation of the said impugned show cause notice.

6. Learned Advocate for the applicant strenuously urged before us that the applicant is due for retirement on superannuation w.e.f. 30.9.2021. He submitted that twice departmental enquiry has been conducted against the applicant without following principles of natural justice. Moreover, only one witness is examined, which is not sufficient to prove all the charges against the applicant. In view of the same he sought interim stay to the impugned show cause notice.

7. Learned Presenting Officer appearing on behalf of the respondents opposed the submissions made on behalf of the applicant and stated that the allegations leveled against the applicant are involving moral turpitude and the allegations are serious in nature. It is relating to marital status of the applicant, as well as, cheating and destroying the life of the informant. In view of that according to him, the evidence of wife of the applicant is more than sufficient to prove the charges. He submitted that the interim stay to the show cause notice will amount to halt the administration.

8. After having considered the submissions made on behalf of both the parties and in the background of the material on record, it is evident that though initially departmental enquiry was initiated against the accused, the same was cancelled when it was found that there were

certain irregularities. Thereafter, second charge-sheet on the same facts and circumstances was served. Various witnesses were cited. However, only one witness gave evidence. In spite of giving opportunity other witnesses did not turn up. In view of the same, upon taking into consideration of oral evidence of the said witness, who is none other than wife of the applicant, the enquiry officer has held that the charges leveled against the applicant are proved. The said enquiry report dated 1.2.2021 is at Annexure 'A-9'.

9. LATER ON, learned Advocate for the applicant has placed on record a copy of the judgment and order of the Hon'ble Supreme Court dated 21.1.2014 passed in the case **of M/S STANZEN TOYOGETSU INDIA P. LTD. VS. GIRISH V. & ORS. (Civil Appeal) arising out of S.L.P. (C) Nos. 30371-30376 of 2012.**

10. In the aforesaid citation the departmental enquiry was initiated against the appellants out of the incident, which was resulted into registration of crime and subsequent filing of charge-sheet. There is reference to earlier decision of the Hon'ble Supreme Court, wherein it is postulated that there is no legal bar for both the proceedings to go simultaneously.

11. If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case. In the circumstances, the Hon'ble Apex Court was pleased to uphold the orders of stay passed by the Court below and was pleased to direct as follows: -

“In case, however, the trial is not completed within the period of one year from the date of this order, despite the steps which the Trial Court has been directed to take the disciplinary proceedings initiated against the respondents shall be resumed and concluded by the Inquiry Officer concerned.

Learned Advocate for the applicant has produced on record a copy of order dated 12<sup>th</sup> December, 2018 in O.A. No. 258/2015 delivered by the Aurangabad Bench of this Tribunal; whereby filing of citation of the Hon'ble Apex Court as above, the departmental enquiry was stayed for one year.

12. In the present case during hearing learned Advocate for the applicant has placed on record the copy of case status report, which is marked 'X' for identification. It shows that criminal case bearing No. 119/2017 under Sections 354 (A)(1), 354 (B), 417, 498(A), 344 & 34 of IPC is

pending against the applicant and two others namely Ashok @ Jagannath Manik Jadhav, Sunita Ashok @ Jagannath Manik Jadhav and Ashish Ashok @ Jagannath Manik Jadhav @ Tanvir Abdulgani Shaikh. The status of the said case shows that it is at the stage of awaiting summons only, charges have also not framed against the applicant and two others therein.

13. In this case, it is pertinent to note that the departmental enquiry initiated against the applicant is completed as the enquiry officer upon completion of enquiry has filed his enquiry report dated 1.2.2021 (Annexure 'A-9'). Perusal of the said enquiry report shows that only charge No. 1 is relating to the crime registration against the applicant & two others and charge Nos. 2, 3 & 4 are relating to moral turpitude. In view of the same, the enquiry officer at the end has stated as under: -

“अपचारी यांनी चौकशीत सादर केलेले बचावाचे अंतिम निवेदन त्यांचेवरील दोषारोपाचे खंडन होईल इतपत समर्पक नाही केवळ कसुरी लपविण्याचे उद्देशाने खोटे कथन करत असल्याचे दिसून येत असून अपचारी यांचेवर ठेवण्यात आलेले दोषारोप क्र. 1 ते 4 पुर्णतः सिद्ध होत आहेत. परंतु दोषारोप क्र. 9 संबंधी प्रकरण न्यायप्रविष्ट असून न्यायनिर्णयाचे अधिन राहून निर्णय घेणे उचित ठरेल, असे आमचे मत आहे.”

14. The record shows that subsequently filing of the enquiry report the respondent No. 2 the disciplinary authority issued show cause notice dated 25.8.2021

(Annexure 'A-10') to show cause as to why the applicant should not be dismissed from service as the charges are proved against him. Subsequently, further notice dated 18.9.2021 (Annexure 'A-11' colly.) is issued by the respondent No. 3 as per order of the respondent No. 2 dated 17.9.2021 to the applicant in the chamber of respondent No. 2 on 23.9.2021 for personal hearing.

15. In view of the above, in this matter it is crystal clear that the enquiry report already submitted to the disciplinary authority. *Prima facie*, it does not appear that no fair opportunity was given to the applicant during hearing of the said departmental enquiry. In fact, the departmental enquiry held against the applicant is over. Moreover, only charge No. 1 arising out of criminal case pending against the applicant and two others. In view of this situation, in our humble opinion the ratio laid down in the citation relied upon by the applicant would not be made applicable.

16. Moreover, gravity of the charges leveled against the applicant are of serious nature as it is relating to the moral turpitude. On that count the wife of the applicant can be said to be best witness. At this interim stage in our opinion merit or demerit of the enquiry report cannot thoroughly examined. In view of the same, no illegality is apparent on record in holding the departmental enquiry.

Only because the applicant is due for retirement on superannuation on 30.9.2021 cannot be the ground for granting stay as prayed for. In the circumstances, we hold that this is not a fit case to grant interim stay. Hence, prayer for interim stay to the impugned show cause notice is hereby rejected.

17. Issue notice to the respondents, returnable on 22.10.2021.

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

19. 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.

20. 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.

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

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

22. S.O. to 22.10.2021.

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

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.09.2021-HDD

**ORIGINAL APPLICATION NO. 443 OF 2017**  
**(Dr. Uttam B. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Shri Sham Patil, learned Advocate for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record.

3. S.O. to 15.11.2021 for rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**ORIGINAL APPLICATION NO. 425 OF 2020**  
**(Sachin U. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri H.A. Joshi, learned Advocate for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 4. Shri M.B. Bharaswadkar, learned Advocate for respondent Nos. 5, 6 & 11 (**absent**).

2. At the request of learned Presenting Officer, S.O. to 15.11.2021 as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 4.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**ORIGINAL APPLICATION NO. 591 OF 2020**  
**(Anil S. Barkul Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, S.O. to 26.10.2021 as a last chance for filing affidavit in reply on behalf of respondents.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 333 OF 2021**  
**(Supriya G.Nande Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri P.G. Tambade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 27.10.2021 as a last chance for filing affidavit in reply on behalf of respondents.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 242/2021 IN O.A.NO. 299/2019**  
**(Rahul T. Pol & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Ms. Tejal R. Mankar, learned Advocate holding for Ms. Preeti R. Wankhade, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue fresh notice to the respondent No. 1 in M.A. No. 242/2021, returnable on 29.10.2021.

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

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

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

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**M.A.NO. 242/2021 IN  
O.A.NO. 299/2019**

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 29.10.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**M.A. 219/21 IN O.A.162/19 WITH M.A.220/21 IN O.A.163/19 WITH M.A.221/21 IN O.A.164/19 WITH M.A.222/21 IN O.A. 173/19 WITH M.A. 223/21 IN O.A. 174/19 WITH M.A.224/21 IN O.A.175/19 WITH M.A. 225/21 IN O.A. 176/19 WITH M.A.226/21 IN O.A.221/19**  
**(Mahadev P. Pawar & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Ms. Angha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in all these cases and Shri N.U. Yadav, learned Presenting Officer for the respondents in all these cases.

2. At the request of learned Presenting Officer, S.O. to 26.10.2021 for filing affidavit in reply on behalf of respondents.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 580 OF 2021**  
**(Dr. Santram M. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri Ram S. Shinde, learned Advocate for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue fresh notice to the respondents, returnable on 25.10.2021.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 25.10.2021.
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. 19/2019 IN O.A.NO. 226/2016**  
**(Shivram N. Dhapate Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri P.M. Shinde, 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 28.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**C.P.NO. 13/2021 IN O.A.NO. 797/2019**  
**(Maha. Rajya Rekhachitra Shakha Karmachari Sanghatana,**  
**Maha. Rajya Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, S.O. to 28.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

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

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri Vijay B. Jogdand Patil, learned Advocate for the applicants in all these cases, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri H.A. Joshi, learned Advocate for respondent Nos. 7 to 9 in O.A. No. 825/2016. None appears for respondent No. 5 in O.A. No. 864, 865, 866 & 867 all of 2016.

2. Learned Advocate for the applicant submitted that today he has collected copy of affidavit in reply filed on behalf of respondent Nos. 7 to 9 and he seeks time for filing rejoinder affidavit. Time granted.

3. S.O. to 16.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 48 OF 2018**  
**(Sanjay Natha Nade Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. S.O. to 16.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 232 OF 2019**  
**(Maruti T. Kamble & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri Vivek G. Pingle, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 16.11.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**ORIGINAL APPLICATION NO. 248 OF 2019**  
**(Vikram B. Mate & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri Vivek G. Pingle, learned Advocate for the applicants, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.D. Dhongde, learned Advocate for respondent Nos. 3 & 4.

2. Admit.

3. S.O. to 17.11.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 249 OF 2019**  
**(Ashok R. Khandagale Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri Sandeep R. Sapkal, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time. Time granted.

3. S.O. to 17.11.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**ORIGINAL APPLICATION NO. 523 OF 2020**  
**(Rajkumar G. Sonawane Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**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 respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 2 & 3. Time granted.

3. S.O. to 25.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**M.A. 364/19 IN C.P.43/18 IN O.A.838/15, O.A.  
122/18, O.A. 558/18  
(Ramdas Tulshiram Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 29.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**M.A. 243/21 WITH M.A.50/21 IN O.A.223/18  
(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 : 27.09.2021**

**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 4. Shri S.N. Gaikwad, learned Advocate for respondent No. 5 (**absent**).

2. At the request of learned Advocate for the applicant, S.O. to 4.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**ORIGINAL APPLICATION NO. 813 OF 2018  
(Robinson R. Masih Vs. State of Maharashtra & Ors.)**

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

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. By order dated 16.9.2021 learned Presenting Officer and learned Advocate for the applicant both were directed to take instructions as regards authority of phone taping, as well as, maintaining record for secret informant.

3. Learned Advocate for the applicant submits that the applicant has not maintained any separate record when secret informants were contacted.

4. Learned Presenting Officer has filed a copy of communication received to him from respondent No. 4, Superintendent of Police, Ahmednagar, seeking further time for compliance of order dated 16.9.2021 passed by this Tribunal. Time granted.

5. S.O. to 13.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 111 OF 2013**  
**(Gajanan M. Shikare Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri S.S. Halkunde, learned Advocate for the applicant, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 & 2, Shri G.J. Kore, learned Advocate for respondent No. 3 and Shri S.K. Sawangikar, learned Advocate for respondent No. 4.

2. By consent of both the parties, S.O. to 14.10.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

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

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri S.K. Chavan, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for respondent No. 5.

2. The record shows that by order dated 21.8.2017 this matter was admitted and fixed for final hearing. Thereafter, affidavit in reply came to be filed on behalf of respondent No. 5 on 12.2.2019 to which the affidavit in rejoinder is filed by the applicant on 11.8.2021. Learned Advocate for respondent No. 5 seeks time for filing sur-rejoinder, if any. Short time is granted.

3. S.O. to 18.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 790 OF 2018  
(Vaishali M. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, S.O. to 18.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 204 OF 2021**  
**(Ganesh G. Jaybhaye & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. By consent of both the parties, S.O. to 12.10.2021 for hearing.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**ORIGINAL APPLICATION NO. 108 OF 2019  
(Krushna R. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri Vinod N. Rathod, 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 22.10.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**M.A. 305/21 IN T.A. 2/2021 (W.P.NO. 2612/2021)  
(The State of Maharashtra & Ors. Vs. Samiksha R.  
Chandrakat & Anr.)**

**M.A. 310/21 IN T.A. 2/2021 (W.P.NO. 2612/2021)  
(Vijay S. Deshmukh & Anr. Vs. Samiksha R. Chandrakar  
& Anr.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

**M.A. NO. 305/2021 IN T.A. No. 2/2021**

Heard Shri Ram Apte / Shri M.S. Mahajan, learned Special Counsel and learned Chief Presenting Officer for applicants in M.A. No. 305/2021 & Shri Ajay Deshpande, learned Advocate for the respondents in preset M.As. / applicants in T.A. in M.A. No. 305/2021.

**M.A. NO. 310/2021 IN T.A. NO. 2/2021**

Heard Shri Vijay Dixit, learned Advocate holding for Shri Ujjawal S. Patil, learned Special Senior Counsel for the applicants in M.A. (respondent Nos. 5 to 10 in T.A.), Shri Ram Apte / Shri M.S. Mahajan, learned Special Senior Counsel and learned Chief Presenting Officer for applicants in M.A. (respondent Nos. 1 to 4 in T.A.) and Shri Ajay Deshpande, learned Advocate for respondent Nos. 5 & 6 in M.A.

2. The record shows that interim relief granted by the Hon'ble High Court of Judicature Bombay Bench at

Aurangabad by an order dated 10.2.2021 is continued from time to time during the pendency of this present case till this date. As of now M.A. No. 305/2021 is made by the original respondent Nos. 1 to 4 for vacating the said interim relief. Similarly, M.A. No. 310/2021 is made by the private respondent Nos. 5 to 10 seeking similar relief. Both these MAs are presented on 20.9.2021 and 24.9.2021 respectively are placed before this Tribunal for the first time today.

3. At the outset, the learned Advocate for the applicant submitted that by order dated 20.9.2021 passed by this Tribunal, the present case is fixed for final hearing. In view of the same, today he presented on record precipe praying to fix the T.A. No. 2/2021 for final hearing.

4. Learned Special Counsel for respondent Nos. 1 to 4 submitted that in similar matter the Hon'ble Principal Seat of this Tribunal by order dated 27.10.2021 passed commonly in O.A. Nos. 237 & 238 both of 2021 rejected the prayer for grant of interim relief. He submitted that because of the interim relief granted in this case the promotion of other eligible government servants is suffered and no prejudice will be caused if the said interim order is vacated as both the applicants in this case are already promoted.

5. Learned Special Counsel for the respondent Nos. 1 to 4 submitted that though the affidavit in reply on behalf of these respondents is on record, the detailed affidavit in reply is required to be filed as the original reply does not cover all the aspects. Learned Advocate for respondent Nos. 5 to 10 submitted that the affidavit in reply filed by all the private respondents is only to the extent of opposing the interim relief sought by the applicants in the present case and for vacating the same.

6. After hearing learned counsel for both the parties, it appears that the present case is of urgent nature and same is required to be heard expeditiously. All the respondents are harping upon vacating the interim relief. From the submissions advanced on behalf of the respondents today in our opinion with whatever pleadings are on record, it would not be desirable to go on with the same for final hearing. At the same time even for considering the relief sought by the respondents for vacating interim order, an opportunity is to be granted to the applicants by asking their response. In view of the same, though we have fixed the present case for final hearing we cannot proceed further and an opportunity is to be granted to the respondents to file further affidavits in reply, if any to which the applicants can have right to respond appropriately. In these circumstances, M.A. Nos. 305 & 310 both of 2021 are fixed for filing affidavit in reply by

**:: - 4 - ::**

**M.A.NO. 305 & 310/2021**

the applicants in T.A. For that purpose short date is granted.

7. In these circumstances, MAs will be considered and decided first before proceeding to decide T.A. finally.

8. S.O. to 8.10.2021. Interim relief granted in T.A. to continue till then.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**T.A.NO. 1/2021 (W.P. NO. 4908/2021)**  
**(Shivaji T. Shinde & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants, Shri Ram Apte, learned Senior Counsel with M.S. Mahajan, learned Chief Presenting Officer for respondent Nos. 1 & 2, Shri Vijay Dixit, learned Special Senior counsel holding for Shri Ujjwal S. Patil, learned Special Counsel for respondent Nos. 3 to 5 and Shri C.V. Dharurkar, learned Advocate for respondent Nos. 6 to 8.

2. Learned Special Counsel for the respondent Nos. 1 & 2 submitted that though the affidavit in reply filed by respondent No. 4 is adopted, the detailed affidavit in reply is required to be filed as the original reply does not cover all the aspects. Learned Special Senior Counsel for respondent Nos. 3 to 5 submitted that the affidavit in reply filed by them is only to the extent of opposing the interim relief sought by the applicants in the present case and, therefore, he seeks time to file detailed affidavit in reply.

3. Shri C.V. Dharurkar, learned Advocate for respondent Nos. 6 to 8 also submits that he would file detailed affidavit in reply and seeks time.

**:: - 2 - :: T.A.NO. 1/2021 (W.P. NO. 4908/2021)**

4. S.O. to 8.10.2021 for filing detailed affidavit in reply of all the respondents.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 27.9.2021-HDD

**M.A.NO. 309/2021 IN T.A.NO. 2/2021**  
**(Smt. Samiksha R. Chandrakar & Anr. Vs. State of**  
**Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri Ajay Deshpande, learned Advocate for the applicants, Shri Ram Apte / Shri M.S. Mahajan, learned Special Counsel and learned Chief Presenting Officer for respondent Nos. 1 to 4 and Shri Vijay Dixit, learned Senior Counsel holding for Shri Ujjal S. Patil, learned Counsel for respondent Nos. 5 to 10.

2. The present M.A. is made by the applicants in T.A. for striking down the affidavit in reply filed on behalf of respondent No. 1 and similar relief.

3. At the request of learned Special Senior Counsel for respondent Nos. 1 to 4, S.O. to 8.10.2021 for filing affidavit in reply.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 496/2019 with O.A. St. No. 1857/2019**  
**(Sow. Mamta Nitin Chavariya Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021.**

**O R D E R**

1. This Misc. Application is made seeking condonation of delay of about 03 years, 02 months and 15 days caused for filing the accompanying Original Application seeking appointment on the requisite post under Lad-Page Committee scheme.

2. The applicant is a daughter-in-law of the deceased Jagannath Pannalal Chavariya. The said Jagannath Pannalal Chavariya was appointed as Sweeper (Class-IV employee) in the office of respondent No. 2 on 16.10.1978. While in service, Jagannath Pannalal Chavariya expired on 24.05.2013 due to illness of T.B.

3. After the death of said Jagannath Pannalal Chavariya, his son viz. Nitin Jagannath Chavariya i.e. husband of the applicant made application on 28.06.2013 for appointment on compassionate ground in place of his father. The name of Shri Nitin Chavariya was included in the list of the candidates to

//2// M.A. No. 496/2019 with  
O.A. St. No. 1857/2019

be appointed on compassionate ground. However, thereafter, due to conscious decision taken by the family members, the applicant filed application dated 20.02.2015 for appointment on compassionate ground. However, the authority filed the said application stating that there was no provision for substituting the name of her husband i.e. Shri Nitin Chavariya. The authority communicated the said decision by letter dated 20.03.2015 to the applicant. The applicant made application dated 04.06.2015 to the respondent No. 2 to absorb her on the vacant post of Class-IV in place of deceased father-in-law as per recommendation of Lad-Page committee. She made the said application annexing necessary documents including the consent of all family members. The respondent No. 2, however, considering her said application by its letter dated 01.07.2015 sought guidance in the matter from the respondent No. 1 stating therein that the post of Sweeper is not sanctioned in staffing pattern. In view of that the applicant had no other alternative than to wait for communication from the respective authorities. The respondent authorities neither rejected the claim of the applicant on the ground of limitation nor otherwise even after lapse of four years.

//3// M.A. No. 496/2019 with  
O.A. St. No. 1857/2019

4. According to the applicant, in view of the guidelines issued by the G.R. dated 21.10.2011 there is no necessity to seek guidance in respect of the appointment of the applicant for the post of Sweeper. In view of the inaction on the part of the respondents in fact there is no delay, but in order to avoid technical objection, the present Misc. Application is made by the applicant seeking condonation of delay. The applicant is having every hope to succeed in the Original Application on its own merit. The delay caused is neither intentional nor deliberate and hence, the present Misc. Application.

5. Affidavit in reply on behalf of respondent Nos. 1 and 2 is filed by Shri Sunil Shankar Chaudhari, Divisional Joint Register, Co-operative Society (Audit), Aurangabad Division, Aurangabad. He denied the adverse contentions raised by the applicant in the present Misc. Application. At the outset, there is no sufficient cause for inordinate delay of more than three years in filing the accompanying O.A. and hence, the Misc. Application is liable to be dismissed. It is specifically contended that deceased father-in-law of the applicant was working in the office of respondent

//4// M.A. No. 496/2019 with  
O.A. St. No. 1857/2019

No. 2. It is further contended that in fact after the death of deceased father-in-law of the applicant, his son made application on 28.06.2013 mentioning that he is nominee of deceased father. The said application was submitted to the District Collector Office, Aurangabad for including his name in waiting list for appointment on compassionate ground. Thereafter, the applicant made her application dated 04.06.2015. The respondent after receipt of the said application sought guidance of the respondent No. 2 as there was no sanctioned post of Sweeper in the office of respondent No. 2, for which the applicant applied. Government Circular dated 21.10.2011 referred to by the applicant is in respect of appointment on compassionate ground on the post of Sweeper only. There is G.R. dated 21.09.2017 (page No. 14 of paper book of M.A.) issued by the G.A.D. and in the clause 12 of the said G.R., it is clearly mentioned that there is no provision to change name taken in the waiting list for compassionate ground. In view of the same, there is no merit in the application made by the applicant for the post of Sweeper on compassionate ground. Hence, present Misc. Application for condonation of delay deserves to be dismissed.

//5// M.A. No. 496/2019 with  
O.A. St. No. 1857/2019

6. The applicant filed rejoinder affidavit and denied the adverse contentions raised in the affidavit in reply of Respondent Nos. 1 and 2 and stated that the various case laws of the Hon'ble High Court and Hon'ble Supreme Court would suggest that expression sufficient cause is to be construed liberally. In this regard, the learned Advocate for the applicant specifically relied upon citation of the Hon'ble Supreme Court reported in **AIR 2008 Supreme Court 2723** in the matter of **Ashok Kumar Vs. State of Bihar & Ors.** In the said citation, the petition was filed for condonation of delay of 4 years. The delay was of pendency of Review/representation before the State Government. It is stated that there is sufficient ground to condone the delay.

7. I have heard the arguments advanced by Shri V.G. Pingle, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

8. The accompanying Original Application is filed by invoking the provision of Section 19 of the Administrative Tribunals Act, 1985 seeking

appointment on compassionate ground as per Lad-Page committee scheme and relevant Government Resolutions and Circulars. Section 21 of the Administrative Tribunals Act, 1985, deals with the limitation. Considering the facts of the present case, it is evident that the application made by the applicant is pending since 04.06.2015 for seeking appointment on compassionate ground. The provisions of Section 21(1)(b) and Section 21 (3) would come into play, which are as follows:-

**“21. Limitation.-**

(1).....  
(a).....

*(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub section (2) of Section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.*

(2).....

*(3) Notwithstanding, anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section*

//7// M.A. No. 496/2019 with  
O.A. St. No. 1857/2019

*(2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”*

9. Considering the above-said provisions, it can be seen that the limitation period would be of one year and six months. Accordingly, in the present case the limitation would commence from 05.12.2016. There is necessarily delay of about 03 years, 2 months and 15 days. In view of the same, the contentions raised by the applicant that in fact there was no delay caused, as no action has been taken by the respondent No. 2 on her application dated 04.06.2015 is without any substance.

10. Considering the fact that the applicant is seeking appointment on compassionate ground, there is no duality of opinion that the said relief is made available for giving immediate relief to the family, who has lost the source of income due to death of deceased family member. From the facts on record, it is evident that for whatever reason, the applicant is only waiting for some response from the respondents from December, 2016 onwards for the period of more than three years.

//8// M.A. No. 496/2019 with  
O.A. St. No. 1857/2019

In view of this, some merit of the matter is also required to be considered.

11. Perusal of accompanying Original Application St. No. 1857/2019 and the present Misc. Application No. 496/2019 would show that though the applicant has stated that her deceased father-in-law was working on the post of Sweeper at the time of death with the respondent No. 2, no supporting document/s is annexed to establish the same. In fact, the communication dated 01.07.2015 (Annexure A-2 in O.A.) addressed by the respondent No. 2 to the respondent No. 1 i.e. the Commissioner and Registrar, Co-Operative Societies, Maharashtra State, Pune categorically show that deceased Jagannath Pannalal Chavariya was working on the post of Peon at the time of his death and there was no sanctioned post of Sweeper in the office of respondent No. 2 for which the applicant was claiming and therefore, guidance was sought.

12. The applicant has not produced on record the initial application made by her husband Shri Nitin Chavariya on 28.06.2013 after the death of Jagannath

//9// M.A. No. 496/2019 with  
O.A. St. No. 1857/2019

Pannalal Chavariya on 24.05.2013. She has also not produced the copy of her earlier application dated 20.02.2015. It is an admitted fact that the name of said Nitin Chavariya was taken in the waiting list. In view of that the earlier application dated 20.02.2015 seeking appointment on compassionate ground was rejected, as there is no provision for substitution. As the copy of application made by Shri Nitin Chavariya is not on record, it is not known whether he had applied for the post of Peon or Sweeper after death of his father. Same is the case with her earlier application dated 20.02.2015.

13. Admittedly, the applicant and her family belong to Mehtar (Bhangi) caste. In order to pursue her claim, the applicant has relied upon the G.R. dated 21.10.2011, which is produced by her as Annexure A-3 in the Original Application St. No. 1857/2019. Perusal of the said G.R. would show that it is applicable specifically to the post of Sweeper which became vacant on the ground of death, retirement, voluntary retirement or medically unfit. The applicant herself produced on record letter dated 01.07.2015 (Annexure A-2 of O.A.) issued by the respondent No. 2, which

//10// M.A. No. 496/2019 with  
O.A. St. No. 1857/2019

shows that the deceased Jagannath Chavariya was working on the post of Peon. Hence, the claim of the applicant would not be covered by the G.R. dated 21.10.2011. In the circumstances, it cannot be said that the applicant is having meritorious case. That apart, the applicant has lost a period of more than three years only for waiting response from the respondents to her application and more particularly her earlier application was categorically rejected. In the circumstances, I find substance in the contentions raised on behalf of the respondents that the applicant slept over her alleged rights. In view of the laches and negligence on the part of the applicant, in my opinion, the ratio laid down in the citation relied upon by the learned Advocate for the applicant would not be applicable. The delay caused by the applicant can be said to be gross one. The delay in pursuing the remedy for the appointment on compassionate ground itself goes to the route of the matter and to some extent it proves self-destructive.

14. In these circumstances, in my opinion, it is not a fit case to condone the delay caused in filing the

//11// M.A. No. 496/2019 with  
O.A. St. No. 1857/2019

accompanying Original Application. Hence, I proceed  
to pass following order:-

**ORDER**

1. The M.A. No. 496/2019 stands dismissed.
2. Consequently, the registration of O.A. St. No. 1857/2019 stands refused.
3. There shall be no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 581 OF 2021**  
**(Dr. Sarika B. Bade Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri Janardhan M. Murkute, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant during the course of argument submits that during pendency of this Original Application, the applicant has received communication dated 24.09.2021 addressed by the respondent no.2 i.e. the Deputy Director, Health Services, Aurangabad to the respondent no.1 seeking guidance about placing on record the difficulty in drawing salaries of the applicant as well as one Dr. Aliya Kausar Ajiz Ahmed Khan i.e. the respondent no.6, who are allowed to join on the post of Medical Officer on 18.09.2021 and 24.09.2021 respectively as against one vacant post of Dr. Santosh Naikwade, who has been transferred on his request as per transfer order dated 17.09.2021 (Annex. 'A-6', page no.49 of P.B.) from General Hospital, Aurangabad to Rural Hospital, Shirur, Dist. Pune.

3. The respondent no.6 by the same order dated 17.09.2021 has been transferred from Sub-District Hospital, Ambad, Dist. Jalna to District/General Hospital Aurangabad. However, the applicant was transferred from

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O.A.581/2021

District Hospital Satara to District Hospital, Aurangabad as per earlier order dated 09.08.2021 (Annex. 'A-3').

4. In the circumstances, learned Advocate for the applicant submits that there is development during the pendency of the Original Application. In view of same, the applicant is allowed to place on record this order dated 24.09.2021 as a part of record. It is taken on record and marked as document 'X' for the purpose of identification.

5. Learned Advocate for the applicant has also placed on record the copy of Muster Roll (page nos.68 to 70). The legible copy now produced by the applicant of page no.70 is taken on record and marked as document 'X-1' for the purpose of identification and it is inserted as page no.70-A.

6. Perusal of these documents would show that the applicant was allowed to sign the muster roll on 18.09.2021 and 20.09.2021 to 23.09.2021. It is the contention of the applicant that since 24.09.2021, the applicant has been disallowed to work as Medical Officer.

7. Learned Advocate for the applicant submits that the respondent no.6 i.e. Dr. Aliya Kausar Ajiz Ahmed Khan is also allowed to sign on 21.09.2021, 22.09.2021 and 23.09.2021. In view of same, the learned Advocate for the applicant sought interim relief to stay the impugned

//3//

O.A.581/2021

communication dated 23.09.2021 (Annex. 'A-1') addressed by the respondent no.3 to respondent no.2.

8. On the other hand learned P.O. for the respondents submits that he has to seek instructions.

9. Upon perusal of the facts of the present case in the background of transfer order of the applicant dated 09.08.2021 (Annex. 'A-3'), relieving order of the applicant dated 23.08.2021 (Annex. 'A-4') issued by District Civil Surgeon, Satara and letter dated 26.08.2021 (page no.48 of P.B.) addressed by the applicant joining the post of Medical Officer at District/General Hospital, Aurangabad, it is evident that as per transfer order dated 09.08.2021, the applicant was allowed by respondent no.3 to join her at transferred post as Medical Officer at District/General hospital, Aurangabad on 26.08.2021.

10. It is the contention of the applicant that though she was allowed to join no work was assigned to her till 27.09.2021. Thereafter, as per transfer order dated 17.09.2021 issued by the respondent no.1 (Annex. 'A-6'), Dr. Santosh Naikwade, who is at sr.no.265(page no.62) was transferred from General Hospital, Aurangabad to Rural Hospital, Shirur, Dist. Pune. By the same order, the respondent no.6 i.e. Dr. Aliya Kausar Ajiz Ahmed Khan was

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transferred from Sub District Hospital, Ambad, Dist. Jalna to District Hospital, Aurangabad.

11. Thereafter, by order dated 18.09.2021 (Annex. 'A-7'), the applicant requested the respondent no.3 i.e. District Civil Surgeon, Aurangabad to allow her to join as the post was vacant. The respondent no.3 allowed her to join by making endorsement on it. As per letter dated 23.09.2021 addressed by the respondent no.3 to respondent no.2, Dr. Aliya Kausar Ajiz Ahmed Khan was allowed to join on 21.09.2021.

12. In view of same, transfer order of the applicant and her joining date is first in point of time than the respondent no.6. In view of above, *prima-facie* there is no question of relieving the applicant from the present post by not allowing her to sign muster roll. It is *prima-facie* illegal.

13. In the circumstances, this is a fit case to stay the execution and implementation of the impugned communication dated 23.09.2021 (Annex. 'A-1') addressed by the respondent no.3 to the respondent no.2 and to allow the applicant to continue to work on the said post till filing of affidavit-in-reply by the respondents. Hence, interim relief in terms of prayer clause 14(E) is granted till filing of reply by the respondents.

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O.A.581/2021

14. Issue notice to the respondents, returnable on 26.10.2021.

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

16. 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.

17. 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.

18. 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.

19. S.O. to 26.10.2021.

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

21. The present matter be placed on separate board.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 160 OF 2020**  
**(Shrirang P. Jarhad Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri Shrirang Pandharinath Jarhad, party in person, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 3 and Shri Santosh B. Mene, learned Advocate for the respondent no.4.

2. Record shows that earlier learned Advocate Shri V.G. Pingle was appearing on behalf of the applicant. The said learned Advocate has placed on record the copy of communication dated 12.07.2021 addressed to the applicant, thereby stating that he is withdrawing his VAKALATNAMA. The applicant is apprised of the said fact and he is asked whether he is willing to engage another Advocate.

3. The applicant submits that he does not wish to engage any other Advocate and he would conduct his case on his own.

4. Perusal of the record would show that the affidavit-in-reply is filed on behalf of respondent no.3 separately and the respondent nos.1 and 4 jointly. This fact is brought to notice to the applicant and he is asked whether he wishes to file affidavit-in-rejoinder.

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O.A.160/2020

5. The applicant in person submits that he does not wish to file affidavit-in-rejoinder. However, he placed on record the copy of letter dated 27.09.2021 addressed by him to respondent no.3 and copy of letter dated 15.09.2021 issued by Public Information Officer, Assistant Superintending Engineer & Administrator, Profit Area Development Authority, Nashik (tuekfgrh vf/kdkjh rFkk lgk-v/kh{kd vfHk;ark o iz'kkld] ykHk{ks= fodkl izkf/kdj.k] ukf'kd½- These documents are taken on record and marked as document 'X' collectively for the purpose of identification.

6. The matter is pertaining to re-fixation of pension. The pleadings are complete. It is admitted and fixed for final hearing on 28.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 230 OF 2020**  
**(Ashvini D. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the parties, S.O. to 11.10.2021 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.512 OF 2020**  
**(Subhash L. Kadam Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri Santosh C. Bhosale, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request and by consent of both the parties, S.O. to 25.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 56 OF 2020**  
(Anil S. Barkul Vs. State of Maharashtra & Ors.)

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. Affidavit-in-reply filed on behalf of the respondent nos. 1 to 3 is taken on record and copy thereof has been served on the other side.
3. At the request of learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder, if any.
4. S.O. to 26.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 439 OF 2021**  
**(Shaikh Hafijoddin Hanifoddin Shaikh Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the parties, S.O. to 12.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 503 OF 2021**  
(Vilas V. Bari Vs. State of Maharashtra & Ors.)

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the parties, S.O. to 12.10.2021.

**MEMBER (J)**

**M.A.NO.201 OF 2020 IN O.A.ST.NO.464 OF 2020**  
(Satish S. Gugale Vs. State of Maharashtra & Ors.)

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the parties, S.O. to 11.10.2021.

**MEMBER (J)**

**M.A.NO.280 OF 2021 WITH O.A.NO.281 OF 2020 IN  
O.A.NO.483 OF 2021  
(Bhagwan L. Dahale Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. Affidavit-in-reply filed on behalf of the respondent nos. 2 to 4 is taken on record.

3. S.O. to 21.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.711 OF 2018**  
**(Sanjay N. Nade Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. Record shows that by order dated 27.08.2019, the matter is admitted and fixed for final hearing in view of affidavit-in-reply on behalf of respondent nos.1 to 3 was filed earlier on 15.04.2019.
3. Learned Advocate for the applicant submits that the affidavit-in-rejoinder in this matter is necessary.
4. In view of same, in the interest of justices, time is granted to the applicant to file affidavit-in-rejoinder.
5. S.O. to 20.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 683 OF 2019**  
(Shivaji M. Ghantewad Vs. State of Maharashtra & Ors.)

**WITH**

**ORIGINAL APPLICATION NO. 902 OF 2019**  
(Shivaji M. Thorat Vs. State of Maharashtra & Ors.)

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicants in both the O.As. and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents in both the O.As.

2. By consent of both the parties, S.O. to 11.10.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 12 OF 2020**  
(Vaibhav V. Chandle & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. By consent of both the parties, S.O. to 4.10.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 310 OF 2020**  
**(Sandip P. Nalwade Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri C.V. Dharurkar, 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 12.10.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 356 OF 2020**  
**(Kiran B. Kolpe Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri N.B. Narwade, 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 13.10.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 357 OF 2020**  
(Vinod R. Borge Vs. State of Maharashtra & Ors.)

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri N.B. Narwade, 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 13.10.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.66 OF 2021**  
(Gajendra T. Patil Vs. State of Maharashtra & Ors.)

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. By consent of both the parties, S.O. to 18.10.2021 for final hearing.

**MEMBER (J)**

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

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

**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. By consent of both the parties, S.O. to 21.10.2021 for final hearing.

**MEMBER (J)**

**Date :27.09.2021**

**ORIGINAL APPLICATION NO.578 OF 2021  
(Nanasaheb Sadu Patil V/s The State of  
Maharashtra & Ors.)**

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

1. Shri C.V. Dharurkar, ld. Advocate for the applicant and Shri M.S. Mahajan, ld. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 28.10.2021. The case be listed for admission hearing on 28.10.2021.
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**

**Date :27.09.2021**

**ORIGINAL APPLICATION NO.433 OF 2021  
(Chabutai Ramkrishna Dudhe V/s The State of  
Maharashtra & Ors.)**

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

1. Shri A.K. Mishra, ld. Advocate for the applicant and Smt. Deepali S. Deshpande , ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 29.10.2021. The case be listed for admission hearing on 29.10.2021.
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**

**Date : 27.9.2021**

**O.A. 584/2021**

**(Latabai B. Savant V/s State of Maharashtra & Ors.)**

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

1. Shri K.B. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 28.10.2021. The case be listed for admission hearing on 28.10.2021.
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**

**Date : 27.9.2021**

**O.A. 572/2021**

**(Babasaheb E. Jakate V/s State of Maharashtra & Ors.)**

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

1. Shri V.M. Maney, learned Advocate for the applicant and Shri N.U. Yadav, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 28.10.2021. The case be listed for admission hearing on 28.10.2021.
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**

**M.A. 285/2021 IN M.A.  
212/2021 IN O.A. 694/18  
AND  
M.A. 212/2021 IN O.A. 694/2018  
(Somnath S. Reddy Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)  
DATE : 27.09.2021  
PER : Hon'ble Shri V.D. Dongre, Member (J)**

**ORDER**

The present M.A. No. 285/2021 is filed by the applicant seeking amendment at the appropriate place in M.A. No. 212/2021 in O.A. No. 694/2018 by inserting paragraphs 13-A to 13-C and 15(A)(1) & 15(E)(1) as per Annex. A-3 pages 35 to 38 attached to M.A. 285/2021.

2. O.A. No. 694/2018 has been filed by the applicant on 7.9.2018 for issuance of directions to the respondent no. 1 to prepare and publish the final gradation lists of the cadre of Research Officers / Statistical Officers from the Group-B Gazetted cadre from 1.1.2002 onwards within stipulated period of time as may be deemed fit by this Tribunal. The applicant is also seeking interim relief of restricting the respondent no. 1 from issuing any order of promotion

**::-2-:: MA 285/21 IN MA 212/21 IN OA 694/18  
AND M.A. 212/2021 IN O.A. 694/2018**

to the cadre of Deputy Director of Economics & Statistics in favour of ad-hoc / temporary promotes in the cadre of Research Officers / Statistical Officers, Group-B.

3. In O.A. No. 694/2018 initially interim relief was granted by this Tribunal vide order dated 17.6.2019 in the background of the submissions made by the learned C.P.O. for the respondents and thereby the respondents were directed not to promote anybody on the post of Deputy Director, till next date. The said interim relief was continued from time to time. Thereafter on 21.1.2020 the said order of interim relief was modified in view of the submissions made by the learned C.P.O. on behalf of the respondents that the respondents are not going to promote anybody, who are junior to the present applicant. It was recorded that "In these circumstances, it is not proper to hold on the process of promotion on the post of Deputy Director. On the basis of the statement made by learned C.P.O., order passed by this Tribunal on 17.6.2019 stands modified. The respondents are permitted to promote the eligible officers on the post of Deputy Director (Statistics), subject to outcome of this Original Application."

**::-3-:: MA 285/21 IN MA 212/21 IN OA 694/18  
AND M.A. 212/2021 IN O.A. 694/2018**

4. Thereafter during the pendency of the said O.A. the applicant filed M.A. No. 212/2021 seeking interim relief of restraining the respondent no. 1 from effecting any promotions to the cadre of Deputy Directors on the basis of the provisional seniority list as of 1.1.2021 published on 23.7.2021 (Annex. A-3 page 19 of M.A. 212/2021) of the cadre of Research Officers / Statistical Officers. In the said M.A., the respondent no. 1 has filed affidavit in reply and the applicant has also filed rejoinder affidavit. In the said M.A. NO. 212/2021 the applicant contended that during the pendency of the O.A. 694/2018 the respondent no. 1 has issued the provisional seniority list as of 1.1.2021 on 23.7.2021 (Annex. A-3 page 19 of M.A. 212/2021) for effecting the promotions to the next higher cadre of Deputy Directors. It is the contention of the applicant that the promotion cannot be issued on the basis of the provisional seniority list as of 1.1.2021 without finalizing the earlier seniority lists. In view of the same, by taking into consideration the prejudice being caused to the applicant by order dated 9.8.2021 limited interim relief is granted by this Tribunal in M.A. 212/2021 in O.A. No. 614/2018, which reads as follows :-

**::-4-:: MA 285/21 IN MA 212/21 IN OA 694/18  
AND M.A. 212/2021 IN O.A. 694/2018**

*“4. In view of the same, in our considered opinion, if the promotion orders are issued on the basis of seniority list dated 23.07.2021 (Annexure A-3), possibility cannot be ruled out, rights of the applicant would be affected adversely. In view of the same, at this stage, we grant ad-interim relief in terms of prayer clause 15 (B) of M.A. No. 212/2021 till filing of the affidavit in reply by the respondents.”*

The interim relief in terms of prayer clause 15-B is only granted in favour of the applicant.

5. It is a matter of record that on the very next date i.e. on 30.8.2021 the learned C.P.O. for the respondents submitted that the Government has cancelled the provisional seniority list as of 1.1.2021 published on 23.7.2021 (Annexure A-3 page 19 of M.A. 212/2021), and therefore, he sought vacation of the interim relief granted by the Tribunal vide order dated 9.8.2021 in M.A. 212/2021.

6. It is the contention of the applicant that on the aforesaid background on 30.8.2021 when M.A. No. 212/2021 was listed before the Tribunal, the respondent no. 1 filed affidavit in reply and contended that the provisional seniority list as of 1.1.2021 published on 23.7.2021 (Annex. A-3 page 19 of M.A.

**::-5-:: MA 285/21 IN MA 212/21 IN OA 694/18  
AND M.A. 212/2021 IN O.A. 694/2018**

212/2021) was cancelled vide Government Circular dated 24.8.2021 (Annex. R-2 page 90 of M.A. No. 212/2021) and in view of that the respondent no. 1 prayed for rejection of M.A. No. 212/2021 on the ground that it has become infructuous.

7. It is further contended by the applicant that in the abovementioned circumstances and considering the fact that the respondent no. 1 cancelled the provisional seniority list as of 1.1.2021 published on 23.7.2021 (Annex. A-3 page 19 of M.A. 212/2021) vide Government Circular dated 24.8.2021 (Annex. R-2 page 90 of M.A. 212/2021), the applicant has filed M.A. No. 285/2021 for permission to effect amendment in M.A. No. 212/2021 filed by him and as per the proposed amendment prayer prayed for directions to the respondent no. 1 to effect promotions to the cadre of Deputy Directors only and only after preparation and publication of final seniority lists of the cadre of Research Officers / Statistical Officers as on 1.1.2021 for the period from 1.1.2020 to 31.12.2020 in terms of G.R. dated 1.8.2019 (Annex. A-2 page 9 in M.A. NO. 285/2021), which makes it mandatory to the authorities to first publish such final

**::-6-:: MA 285/21 IN MA 212/21 IN OA 694/18  
AND M.A. 212/2021 IN O.A. 694/2018**

seniority lists of the preceding year and then only effect promotions to the higher cadres. It is further contended by the applicant that considering the main grievance raised in M.A. No. 212/2021 and the proposed amendment in juxtaposition to each other shows that the applicant seeks to arrest the impending action of the respondent no. 1 of effecting promotions to the cadre of Deputy Directors without finalizing the provisional seniority list of the cadre of Research Officers / Statistical Officers and publishing the final seniority list of the said cadre. As such, the proposed amendment is totally and absolutely in tune with the submissions already made by the applicant in M.A. No. 212/2021. Hence, the applicant has filed M.A. No. 285/2021 before this Tribunal.

8. Shri Shrish Bhalchandra Varsale, In-charge Regional Joint Director, Directorate of Economic & Statistics, Aurangabad has filed affidavit in reply on behalf of respondent no. 1. It is denied that the proposed amendment is just, necessary and is in consonance with the original pleadings in M.A. No. 212/2021. The apprehension of the applicant in that regard is totally baseless. The applicant is just

**::-7-:: MA 285/21 IN MA 212/21 IN OA 694/18  
AND M.A. 212/2021 IN O.A. 694/2018**

hampering the administrative process of promotion. The seniority lists are finalized as of 1.1.2013 as per the guidelines laid down by the Government in G.R. dated 1.8.2019 (Annex. A-2 page 9 in M.A. No. 285/2021). Further seniority list of the said cadre as of 1.1.2014 cannot be finalized before final verdict of O.A. No. 694/2018 and approval of M.P.S.C. thereto. In view of the same the present M.A. No. 285/2021 deserves to be rejected.

9. The applicant has filed rejoinder affidavit and has denied the adverse contentions raised by the respondent no. 1 in the affidavit in reply and it is submitted that the seniority lists from 1.1.2014 onwards are still to be finalized. Even the O.A. No. 614/2018 is pending and the said provisional seniority lists are not yet finalized.

10. I have heard the arguments advanced by Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3, Shri Kakasaheb B. Jadhav, learned Advocate holding for Shri M.S. Sonawane, learned Advocate for respondent

**::-8-:: MA 285/21 IN MA 212/21 IN OA 694/18  
AND M.A. 212/2021 IN O.A. 694/2018**

no. 4 and Shri Ajay S. Deshpande, learned Advocate for respondent nos. 5 & 6.

11. After having considered the facts of the present M.A. no. 285/2021 as discussed hereinabove it is evident that the proposed amendment is revolving around finalization of pending provisional seniority lists from 1.1.2014 onwards. The applicant is seeking vide the proposed amendment in terms of guidelines incorporated in para no. 5(2)(1) of G.R. dated 1.8.2019 (Annex. A-2 page 9 of M.A. No. 285/2021). The respondent no. 1 also stated to have adhered to the said guidelines of G.R. dated 1.8.2019.

12. Original Application No. 694/2018 is filed by the applicant seeking directions against the respondent no. 1 to prepare and publish annual gradation lists of the post of Research Officers / Statistical Officers from the Group-B Gazetted cadre from 1.1.2002 onwards. In exactly what context the proposed amendment as per prayer clause 15(A)(1) & 15(E)(1) (page 38 of M.A. No. 285/2021) is made can be considered while considering the amended M.A. No. 212/2021 finally. The merit or demerit of the matter cannot be much

**::-9-:: MA 285/21 IN MA 212/21 IN OA 694/18  
AND M.A. 212/2021 IN O.A. 694/2018**

discussed while considering the proposed amendment. We have to only see whether the proposed amendment is going to change the nature of the pleadings in O.A. No. 694/2018 and pending M.A. No. 212/2021 made in O.A. No. 694/2021. In our considered opinion, the proposed amendment is just & proper to determine the real controversies between the parties.

13. Moreover, it has transpired during the course of the hearing that the limited ad-interim relief was granted by this Tribunal vide order dated 9.8.2021 in M.A. No. 212/2021 restricting the respondent no. 1 from effecting any promotions to the cadre of Deputy Directors on the basis of the provisional seniority list as of 1.1.2021 published on 23.7.2021 (Annex. A-3 page 19 in M.A. No. 212/2021) of the cadre of Research Officers / Statistical Officers. Undisputedly, by the Govt. Circular dated 24.8.2021 (Annex. R-2 page 90 of M.A. 212/2021) the proposed seniority list as of 1.1.2021 published on 23.7.2021 (Annex. A-3 page 19 M.A. 212/2021) is cancelled. In view of the same the said interim relief has become infructuous and is of no consequence. Therefore, the said order dated 9.8.2021 passed in M.A. No. 212/2021 can be

::-10-:: **MA 285/21 IN MA 212/21 IN OA 694/18  
AND M.A. 212/2021 IN O.A. 694/2018**

vacated. Hence, we proceed to pass the following order :-

**ORDER**

- (i) M.A. No. 285/2021 in M.A. No. 212/2021 in O.A. No. 694/2018 stands allowed & disposed of.
- (ii) The applicant is permitted to carry out the proposed amendment (as per Annex. A-3 page 35 to 38 in M.A. 285/2021) at appropriate place in M.A. No. 212/2021 within 2 weeks from today and serve amended copy of M.A. No. 212/2021 upon the respondents.
- (iii) The interim relief granted by the Tribunal vide order dated 9.8.2021 passed in M.A. no. 212/2021 in O.A. 694/2018 stands vacated.

There shall be no order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 29/2020**  
**(Shaikh Akhtar Hussain Mohd. Hanif Vs. State of**  
**Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 27.09.2021**

**ORAL ORDER :**

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

2. On going through the proceedings of the present case, it is evident that the instant matter has been heard by the Coordinate Bench consisting of Hon'ble Shri V.D. Dongre, Member (J) on as many as last 4 dates. There is no formal order regarding transfer of the present matter to this Bench.

3. In the circumstances, the registry is hereby directed to place the present matter before the Coordinate Bench on the scheduled date i.e. on 1.10.2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 533/2020**  
**(Sadashiv D. Sakhare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri P.B. Rakhunde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent nos. 1, 2 & 5. Shri Shamsundar B. Patil, learned Advocate for respondent nos. 3, 4 & 6 (**absent**).

2. Learned Advocate for the applicant is hereby directed to submit on record the calculation sheet regarding pensionary benefits claimed by the applicant mentioning therein under which rules he is claiming such benefits and supply copy thereof to other side.

3. Learned P.O. for the respondents is also directed to get the calculation sheet regarding the pensionary benefits granted by the respondents to the applicant.

4. S.O. to 28.10.2021.

**MEMBER (A)**

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

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 27.09.2021**

**ORAL ORDER :**

Shri R.N. Bharaswadkar, learned Advocate for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondents, is present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 4. It is taken on record. He undertook to supply copy thereof to the learned Advocate for the applicant. The said undertaking is accepted & taken on record. Learned Presenting Officer also seeks time for filing affidavit in reply on behalf of other respondents. Time granted.

3. Attention of the learned Presenting Officer is drawn towards the fact mentioned in O.A. that the period for which the audit was carried out was 8.7.2019 to 9.8.2019. However, the applicant was holding charge of the post of Administrative Officer, General Hospital at Latur during the period of 28.6.2016 to 13.6.2017. Therefore, it is necessary to show as to how the responsibility of the applicant was determined for the period covered by the audit.

::-2-::

**O.A. NO. 502/2020**

4. S.O. to 29.10.2021.

ARJ ORAL ORDERS 27.09.2021

**MEMBER (A)**

**M.A. 256/2021 IN O.A. ST. 836/2021**  
**(Prfull Abarao Suryawanshi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Ms. Rakhi V. Sundale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The present Misc. Application has been filed by the applicant for condonation of 06 days' delay caused in filing the accompanying O.A. bearing St. No. 836/2021. It appears that the applicant has filed the accompanying O.A. for issuance of directions to the respondents to consider his case for giving compassionate appointment.

3. For the reasons stated in the Misc. Application and in the interest of justice, the present Misc. Application is allowed and disposed of and the delay of 06 days' caused in filing the accompanying O.A. is hereby condoned. There shall be no order as to costs.

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

**MEMBER (A)**

**O.A. ST. 836/2021**

**(Prfull Abarao Suryawanshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Ms. Rakhi V. Sundale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 15.11.2021.

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

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

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

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

7. S.O. to 15.11.2021.

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

**MEMBER (A)**

**O.A. NOS. 192, 193 & 194 ALL OF 2019**  
**(Kashinath T. Soundalkar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 27.09.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicants in all these three O.As. and Smt. Sanjivani Deshmukh Ghate, Smt. M.S. Patni & Smt. Deepali S. Deshpande, learned Presenting Officers for the respondent nos. 3 in all these three O.As. and Shri S.B. Mene, learned Advocate for respondent nos. 1 & 2 in all these three O.As.

2. The respondent nos. 1 & 2 in their affidavit in replies have taken a stand not to recommend the case of the applicants on the ground that the applicants are not entitled for the relief claimed by them. Therefore, the affidavit in reply of respondent no. 3 is necessary so as to enable this Tribunal to come to the final conclusion.

3. Learned Presenting Officers seek time for filing affidavit in reply on behalf of respondent no. 3 in these O.As. Time granted.

4. S.O. to 8.10.2021.

**MEMBER (A)**

**O.A. 386/2019/2021**

**(Gautam R. Fasale Vs. State of Maharashtra & Ors.)**

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

**DATE : 27.09.2021**

**ORAL ORDER :**

Shri R.N. Bharaswadkar, learned Advocate for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 15.11.2021 for filing rejoinder affidavit, if any.

**MEMBER (A)**