

ORIGINAL APPLICATION NO. 153 OF 2020
(Sagar W. Sonavane Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Shri D.M. Pawar, learned Advocate for the Applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Notices are not collected by the applicant.
3. S.O. to 03.12.2021.

MEMBER (J)

M.A. 175/2020 WITH O.A. ST. 462/2020
(Umesh Bansinath Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

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

ORDER

This Misc. Application is made seeking condonation of about 3 years and 10 months delay caused in filing accompanying Original Application U/s 19 of the Administrative Tribunals Act, 1985 challenging the impugned order of acceptance of resignation of the applicant dated 28.1.2015 issued by the respondent no. 2.

2. The applicant was appointed as a Superintendent (Male) in the office of the respondent no. 2 situated at Kalwan, Dist. Nashik as per the order dated 7.1.2013 (Annex. A-1, page 9 in O.A.). He joined on the said post on 19.1.2013 as per joining report (Annex. A-2, page 11 in O.A.). On account of certain domestic issues the applicant tendered his resignation letter dated 12.12.2014 (Annex. A-3, page 12 in O.A.). The respondent no. 2 accepted the said resignation

::-2-:::

M.A. 175/2020 WITH
O.A. ST. 462/2020

retrospectively i.e. w.e.f. 6.1.2015 by the impugned order dated 28.1.2015 (Annex. A-4, page 13 in O.A.).

3. It is the contention of the applicant that the said impugned order of acceptance of his resignation is in contravention of the G.R. dated 2.12.1997 (Annex. A-5, page 15 in O.A.). The applicant made representation dated 16.6.2015 (Annex. A-6 page 20 in O.A.) seeking withdrawal of his resignation and reinstatement in the service. However, no order is passed by the respondent on the said representation of the applicant till date. Therefore, the applicant filed accompanied O.A. challenging the order of acceptance of his resignation dated 28.1.2015. However, as there is delay in filing the accompanying O.A. he has filed the same along with the present Misc. Application on 17.3.2020. According to the applicant, no order is passed by the respondent no. 2 on his representation dated 16.6.2015 seeking the reinstatement. It is his further contention that there is continuous cause of action. In order to substantiate the said proposition, he relies upon the citation of the Hon'ble Supreme Court of India in the case of **Ashok Kumar Vs. State of Bihar & Ors.** reported at **2008 AIR (SC) 2723.**

::-3-:::

M.A. 175/2020 WITH
O.A. ST. 462/2020

Alternatively, he submitted that, if it is considered that there is delay, then it is not deliberate or intentional. The action of the respondent no. 2 accepting the resignation with retrospective effect is illegal, and therefore, the applicant has good case on merits. He, therefore, seeks condonation of delay caused in filing the accompanying O.A.

4. Affidavit in reply on behalf of the respondent nos. 1 & 2 is filed by Shri Pramod Namdev Patil, Assistant Project Officer in the office of the Additional Tribal Commissioner, Nashik Division, Nashik. He thereby resisted the adverse contentions raised by the applicant in the O.A. It is his contention that the applicant has no case on merits. In fact, at the time of tendering the resignation he has deposited one month's salary in lieu of notice period. Moreover, the applicant's representation dated 16.6.2015 for reinstatement in service is in contravention of para 2(D)(3) of G.R. dated 2.12.1997 issued by the General Administration Department and also in contravention of provisions of rule 46(4)(c) of M.C.S. (Pension) Rules, 1982, which read as under :-

::-4-:::

M.A. 175/2020 WITH
O.A. ST. 462/2020

(i) Para 2(D)(3) of G.R. dated 2.12.1997

“२(ड) राजीनामा कोणत्या दिनांकापासून परिणामकारक ठरेल-
(३) शासकीय अधिका-याने / कर्मचा-याने शासकीय सेवेचा दिलेला राजीनामा अंमलात येण्याच्या तारखेपासून त्याचा शासकीय सेवेवरील हक्क गमावला जातो. त्यामुळे राजीनामा स्वीकृत करून त्याला कार्यमुक्त करण्यात आल्यानंतर त्याची सेवेत पुन्हा घेण्याची विनंती मान्य करण्यात येऊ नये. तथापि, अशा अधिका-याची / कर्मचा-याची सेवेत पुन्हा घेण्याची विनंती, केवळ लोकहितास्तव महाराष्ट्र नागरी सेवा (निवृत्ती वेतन) नियम, १९८२ च्या नियम ४६ मधील शर्तीच्या अधिन राहून विचारात घेण्यात यावी. परंतु अशा त-हेने पुन्हा सेवेत घेण्यात आलेल्या अधिका-याने / कर्मचा-याने राजिनामा देताना एका महिन्याच्या नोटिशीऐवजी एक महिन्याचे वेतन शासनाकडे भरणा केले असल्यास, सदर एक महिन्याच्या वेतनाची रक्कम पुन्हा देय ठरणार नाही.”

(ii) Rule 46(4)(C) of M.C.S. (Pension) Rules, 1982

“46. Forfeiture of service on resignation -

(4) the appointing authority consider the request of a person who had earlier resigned his post under Government, to take him back in service in the public interest on the following conditions, namely-

::-5-:::

M.A. 175/2020 WITH
O.A. ST. 462/2020

(c) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days.”

5. Therefore, it is stated that the application for reinstatement is made by the applicant after lapse of 180 days and not within 90 days. Moreover, no sufficient cause is shown by the applicant for condonation of delay caused in filing the accompanying O.A. Hence, the present Misc. Application is liable to be rejected.

6. Heard Shri A.B. Rajkar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents at length.

7. Considering the facts involved in the present matter, it is evident that the first cause of action pleaded by the applicant is the impugned order dated 28.1.2015 (Annex. A-4, page 13 in O.A.) issued by the

::-6-:::

M.A. 175/2020 WITH
O.A. ST. 462/2020

respondent no. 2 accepting the resignation tendered by the applicant and thereafter the representation dated 16.6.2015 (Annex. A-6, page 20 in O.A.) made by the applicant for his reinstatement in service.

8. The applicant seeks to assail the impugned order dated 28.1.2015 (Annex. A-4, page 13 in O.A.) of acceptance of his resignation by quoting the provisions of para 2(D)(1) of G.R. dated 2.12.1997 (Annex. A-5, page 15 in O.A.), which reads as follows :-

“२(ड) राजीनामा कोणत्या दिनांकापासून
परिणामकारक ठरेल-

(१) राजीनामा स्वीकृतीचे लेखी आदेश सक्षम प्राधिकारी
ज्या दिनांकास निर्गमि करेल, त्या दिनांकापासून राजीनामा
परिणामकारक ठरेल. राजीनामा पूर्वलक्षी प्रभावाने अथवा भावी
प्रभावाने स्वीकारण्यात येऊ नये.”

9. The limitation would start from the expiry of 6 months' from 16.6.2015 on which date he had made representation for his reinstatement in service. Thus, there is delay of about 3 years and 10 months in filing the accompanying O.A. Though the applicant has

::-7-:::

M.A. 175/2020 WITH
O.A. ST. 462/2020

pleaded about continuous cause of action, we do not find any substance in it in view of the belated representation made by him on 16.6.2015. That apart, at the time of tendering the resignation the applicant deposited one month salary in lieu of notice period. Perusal of his resignation letter dated 22.12.2014 (Annex. A-3, page 12 in O.A.) would show that he has sought resignation from 6.1.2015. No doubt, his resignation is accepted by the respondents vide order dated 28.1.2015 (Annex. A-4, page 13 in O.A.). In view of para 2(D)(1) of the G.R. dated 28.1.2015, it could have been accepted from the date of acceptance of resignation i.e. w.e.f. 28.1.2015. But when the applicant has deposited one month salary in lieu of notice period and the applicant himself stated the effective date of resignation being 6.1.2015, prima-facie, no illegality can be seen in the impugned order.

10. That apart, the applicant has to explain the delay of about 3 years and 10 months by giving plausible reasons. However, perusal of the present Misc. Application would show that the applicant has made feeble attempt for explaining it by stating illness of his mother by producing on record medical papers

::-8-:::

M.A. 175/2020 WITH
O.A. ST. 462/2020

(Exh. B, page 8 in M.A.). However, by no stretch of imagination it can be said to be plausible reason for condoning the delay caused in filing the accompanying O.A.

11. 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 3 years and 10 months only for waiting response from the respondents to his representation dated 16.6.22015 (Annex. A-6 page 20 in O.A.). Therefore, we find much substance in the contentions raised on behalf of the respondents that the applicant slept over his alleged rights for years together. In view of the laches and negligence on the part of the applicant, in our considered view, the ratio laid down by the Hon'ble Supreme Court in the case of **Ashok Kumar Vs. State of Bihar & Ors.** (supra) relied upon by the learned Advocate for the applicant would not be applicable in the present case. Therefore, it can safely be inferred that the delay caused in filing the accompanying O.A. is gross one. The delay in approaching the Tribunal in time by the applicant for his legitimate claim goes to

::-9-:::

M.A. 175/2020 WITH
O.A. ST. 462/2020

the route of the matter and to some extent it proves self destructive. The applicant slept over his legitimate rights for years together. The delay is considerable and not marginable.

12. So far as the accompanying O.A. filed U/s 19 of the Administrative Tribunals Act, 1985 is concerned, the limitation has to be computed in the background of the provisions of section 21(3) of the Administrative Tribunals Act, 1985, which is as follows :-

“21. Limitation-
.....

(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 6 months specified in sub section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”

13. In view of this, we are of the opinion that, the facts of the present case are totally different than the

::-10-:::

M.A. 175/2020 WITH
O.A. ST. 462/2020

facts in the case of **Ashok Kumar Vs. State of Bihar & Ors.** (supra) relied upon by the applicant. In view thereof, the ratio laid down by the Hon'ble Supreme Court could not be made applicable in the present case. Heavy burden was upon the applicant to explain the delay of about 3 years and 10 months. Otherwise also, there is hardly any merit in the case of the applicant. In view of the same, we are of the considered opinion that, this is not a fit case to condone the delay of about 3 years and 10 months in filing the accompanying O.A. We, therefore, pass the following order :-

ORDER

Misc. Application No. 175/2020 stands rejected and in view thereof, registration of O.A. St. no. 462/2020 is refused. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

**O.A. NOS. 358, 359, 360 & 361 ALL OF 2018
(Haseeb Ur. Rehman & Ors. Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 28.10.2021

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicants in these 4 cases and Shri I.S. Thorat, learned Presenting Officer for the respondents in these 4 cases.

2. Learned Advocate for the applicants submits that for promotion to the post of Selection Grade Pharmacist the feeder cadre is Pharmacist and not the Senior Pharmacist. As per him, there are Recruitment Rules only for the post of Pharmacist and Selection Grade Pharmacist, but there are no Recruitment Rules for the post of Senior Pharmacist. The said post exists both at J.J. Hospital, Mumbai and Sasoon Hospital, Pune. He has also argued that as per the submissions of the respondents in writ petition No. 7119/2017 before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad the posts of Sr. Pharmacist are to be filled in by nomination only and not by way of promotion. He also submits that another document issued by the Urban Development, Public Health & Housing Department in the year 1976 titled as Maharashtra Civil Medical Code Part - I & II shows that Recruitment Rules for Pharmacist and Sr. Pharmacist and in these rules the feeder cadre for Selection Grade Pharmacist is shown as Junior Grade Pharmacist and not

Pharmacist. The learned Advocate for the applicants concluded his arguments.

3. Learned Advocate for the applicants further submits that if it be taken that there is no promotional avenue for Pharmacist then a Pharmacist should be given the pay scale on time bound promotion as shown in G.R. dated 3.8.2021.

4. Learned P.O. for the respondents requested to get the copies of establishment pattern of Pharmacy section of J.J. Hospital, Mumbai and Sasoon Hospital, Pune and complete Rule book of Recruitment Rules for the post of Lower Grade Pharmacist, Pharmacist, Sr. Pharmacist & Selection Grade Pharmacist and incorporate relevant points from them while advancing his arguments.

5. S.O. to 3.12.2021.

6. The matter be treated as part heard.

7. Steno copy allowed for the use of learned P.O. for the respondents.

MEMBER (A)

ORIGINAL APPLICATION NO. 591/2018
(Purushottam N. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 28.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has referred to the contents of para 4 (page 37 of paper book), which is a part of affidavit in reply of the respondents that average of applicant's Confidential Reports for 5 years from the year 2006-07 to 2010-11 was 'B' only and therefore he was treated 'unfit' for granting benefits of second time bound promotion scheme. The adverse confidential reports are required to be communicated and that has not been done and therefore that adverse C.R. should not be taken into consideration while considering the case of the applicant for grant of benefit of second time bound promotion scheme.

3. Learned Advocate for the applicant has relied on the order of this Tribunal in O.A. No. 179/2019 (Shri Avinash K. Shirsath Vs. State of Maharashtra & Ors.) dated 30.8.2016 and also on one judgment of Hon'ble Supreme Court in the case of Vijay Kumar, I.A.S. Vs. State of Maharashtra and Ors. reported at AIR 1988 SC 2060, dated 30.8.1988.

4. Learned Presenting Officer has argued with reference to the contents of para 11 (page 39), contents of page 48 of affidavit in reply and para 5 of page 31 of the O.A. to substantiate the stand of respondents justifying the decision taken by the respondents regarding not granting benefit of second time bound promotion scheme to the applicant. He has not responded whether these C.Rs. are communicated or not to the applicant and if the respondents are of the opinion that the adverse C.R. is not necessary to communicate then they should cite the relevant provision of rules, G.Rs. and Circulars to substantiate that stand.

5. S.O. to 7.12.2021.

6. The present case be treated as part heard.

MEMBER (A)

ORIGINAL APPLICATION NO. 229 OF 2021
(Balbir Singh J. Tyagi Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Smt. Amruta Paranjape-Menezes, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

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

3. S.O. to 03.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 348 OF 2021
(Balaji M. Ghulekar Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Shri M.V. Thorat, learned Advocate for the Applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Await service of notices on the respondents.
3. S.O. to 07.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 577 OF 2020
(Kalidas B. Choudhari Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Smt. Amruta Paranjape-Menezes, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30.11.2021. Interim relief granted earlier to continue till next date.

MEMBER (J)

**M.A. St. 889/2021 with M.A. St. 890/2021 with
M.A. 111/2020 in O.A. St. No. 1964/2018
(Madhav B. Marde & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Smt. Amruta Paranjape-Menezes, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the Applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent Nos. 1 to 5 and Shri G.N. Patil, learned Advocate for respondent No. 6.

2. At the request of learned Advocate for the applicants, S.O. to 30.11.2021.

MEMBER (J)

KPB ORAL ORDERS 28.10.2021

**M.A. No. 6/2021 in O.A. St. No. 1419/2020
(Vijay R. Bangar Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit in M.A.

3. S.O. to 02.12.2021.

MEMBER (J)

KPB ORAL ORDERS 28.10.2021

M.A. No. 07/2021 in O.A. St. No. 1416/2020
(Chandrasen V. Lahade Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondent Nos. 1 to 5.

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

3. Learned Advocate Shri S.L. Bhapkar, has filed **VAKALATNAMA** on behalf of respondent No. 6. Same is taken on record.

4. At the request of learned Advocate for respondent No. 6, time is granted for filing affidavit in reply.

5. S.O. to 02.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 416 OF 2021
(Dr. Ajit R. Kothari and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri N.L. Choudhari, learned Advocate for the Applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. At the request of learned Chief Presenting Officer for the respondents, time is granted for filing affidavit in reply.

3. S.O. to 17.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 429 OF 2021
(Vikas P. Tupare Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 3 and 4. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 24.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 565 OF 2021
(Anil V. Chatlawar Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 17.11.2021 for filing rejoinder affidavit.

MEMBER (J)

ORIGINAL APPLICATION NO. 617 OF 2021
(Kiran P. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 18.11.2021 for filing service affidavit.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 707 OF 2021
(Abay D. Maske Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Shri S.S. Kulkarni / V.S. Kadam, learned Advocate for the Applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. As none present for the applicant, S.O. to 26.11.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1106 OF 2019
(Sanjay R. Koli Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri S.B. Jadhav, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

3. Record shows that the pleadings are complete. The present matter is pertaining to extension of the post of Police Patil. Hence, the O.A. is admitted and it be fixed for final hearing on 30.11.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 531 OF 2020
(Manik D. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Record shows that the pleadings are complete. The present matter is pertaining to correction in date of birth. Hence, the O.A. is admitted and it be fixed for final hearing on 01.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 20 OF 2021
(Ramraje S. Chandane Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Record shows that the pleadings are complete. The present matter is pertaining to suspension. Hence, the O.A. is admitted and it be fixed for final hearing on 01.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 238 OF 2021
(Pandurang H. Bhalerao and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.S. Kadam, learned Advocate for the Applicants, Shri M.P. Gude, learned Presenting Officer for the Respondent No. 1 and Shri G.N. Patil, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Presenting Officer for the respondent No. 1 and learned Advocate for respondent Nos. 2 and 3, time is granted for filing affidavit in reply.

3. S.O. to 08.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 239 OF 2021
(Khanderao M. Ajegaonkar and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.S. Kadam, learned Advocate for the Applicants and Shri M.P. Gude, learned Presenting Officer for the Respondent No. 1. None present on behalf of respondent Nos. 2 and 3, though duly served.

2. At the request of learned Presenting Officer for the respondent No. 1, time is granted for filing affidavit in reply.

3. S.O. to 08.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 240 OF 2021
(Ranjeetsingh B. Rajput & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.S. Kadam, learned Advocate for the Applicants and Shri M.P. Gude, learned Presenting Officer for the Respondent No. 1 and Shri S.B. Mene, learned Advocate for respondent Nos. 2 & 3.

2. Learned Advocate for respondent Nos. 2 and 3 filed affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Presenting Officer for the respondent No. 1, time is granted for filing affidavit in reply.

4. S.O. to 08.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 241 OF 2021
(Prakash S. Shegokar and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.S. Kadam, learned Advocate for the Applicants, Shri M.P. Gude, learned Presenting Officer for the Respondent No. 1 and Shri A.D. Gadekar, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Presenting Officer for the respondent No. 1 and learned Advocate for respondent Nos. 2 & 3, time is granted for filing affidavit in reply.

3. S.O. to 08.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 242 OF 2021
(Shaikh Mohd. Farukh Mohd. Mastan and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.S. Kadam, learned Advocate for the Applicants and Shri M.P. Gude, learned Presenting Officer for the Respondent No. 1. None present on behalf of respondent Nos. 2 and 3, though duly served.

2. At the request of learned Presenting Officer for the respondent No. 1, time is granted for filing affidavit in reply.

3. S.O. to 08.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 243 OF 2021
(Pandurang R. Bellale Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.S. Kadam, learned Advocate for the Applicant, Shri M.P. Gude, learned Presenting Officer for the Respondent No. 1 and Shri N.U. Yadav, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Presenting Officer for the respondent No. 1, time is granted for filing affidavit in reply.

3. S.O. to 08.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 244 OF 2021
(Venkat R. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.S. Kadam, learned Advocate for the Applicant, Shri M.P. Gude, learned Presenting Officer for the Respondent No. 1 and Shri N.U. Yadav, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Presenting Officer for the respondent No. 1, time is granted for filing affidavit in reply.

3. S.O. to 08.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 245 OF 2021
(Sunil R. Dharmadhikari Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.S. Kadam, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondent No. 1. None present on behalf of respondent Nos. 2 to 4, though duly served.

2. At the request of learned Presenting Officer for the respondent No. 1, time is granted for filing affidavit in reply.

3. S.O. to 08.12.2021.

MEMBER (J)

M.A. No. 31/2021 in O.A. St. No. 62/2021
(Ramkisan J. Nampalle and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.B. Dhage, learned Advocate for the Applicants and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents at length.

2. The present matter is closed for orders.

MEMBER (J)

KPB ORAL ORDERS 28.10.2021

ORIGINAL APPLICATION NO. 681 OF 2021
(Govind H. Darade Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. The present Original Application is filed challenging the impugned letter dated 03.09.2021 (Annexure A-3) issued by the respondent No. 3, thereby directing recovery of an amount of Rs. 98,730/- from the applicant towards excess payment made to him for the period from 01.07.2012 to 30.04.2020.

3. The applicant was initially appointed as Police Constable in the year 1991 and in the year 2003, he was promoted to the post of Police Naik. Thereafter, he was promoted to the post of Police Head Constable in the year 2012. The applicant retired from post of Police Head Constable on 30.04.2020 on attaining the age of superannuation. Thereafter, the applicant is getting regular pension.

//2//

O.A. NO. 681/2021

4. However, surprisingly the applicant received impugned letter dated 03.09.2021 (Annexure A-3) seeking recovery of the excess amount. The learned Advocate for the applicant seeks interim stay to the said recovery contending that the applicant belongs to Group-C employee category. The impugned recovery is beyond the period of five years. The recovery is sought after retirement of the applicant on superannuation. In the circumstances, he submits that in view of the ratio laid down by the Hon'ble Supreme Court in the case of **Civil Appeal No. 11527/2014 arising out of S.L.P.C) No. 11684/2012 & Ors. (State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.)** reported at **AIR 2015 SC 596** recovery is impermissible. He specifically submitted that the applicant has not given any undertaking.

5. Learned Presenting Officer opposed the submission advanced on behalf of the applicant and stated that he would seek necessary instructions from the respondents and will file affidavit in reply.

6. Documents on record would show that the applicant retired from the post of Police Head

//3//

O.A. NO. 681/2021

Constable on 30.04.2020. The impugned letter dated 03.09.2021 is issued by the respondent No. 3 for recovery of excess payment made to the applicant. It seems that the said excess payment is found upon re-fixation of payment of the applicant. The recovery is beyond five years period.

7. In the case law relied upon by the learned Advocate for the applicant, the Hon'ble Supreme Court in the case of **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.** (supra) observed as follows :-

“12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarize the following few situations, wherein recoveries by the employers, would be impermissible in law:

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

//4//

O.A. NO. 681/2021

(iii) Recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employees, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

8. Considering the facts of the present case, the same would fall within the parameters of para 13(i), (ii) & (iii) of the **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.**(supra). In the circumstances, this is a fit case to grant interim relief of stay to the recovery. Accordingly, interim relief is granted in terms of para X (E) till filing of the affidavit in reply by the respondents.

9. Issue notice to the respondents, returnable on 09.12.2021.

//5//

O.A. NO. 681/2021

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

11. 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.

12. 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.

13. 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.

14. S.O. to 09.12.2021.

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

//6//

O.A. NO. 681/2021

16. The present matter be placed on separate board.

MEMBER (J)

KPB ORAL ORDERS 28.10.2021

ORIGINAL APPLICATION NO. 526 OF 2021
(Vilas M. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. The present Original Application is filed by the applicant challenging the impugned order dated 19.01.2021(Annexure A-1) thereby down-grading the pay scale of the applicant and directing the recovery of excess amount paid to the applicant for the period from 01.07.2013 to 31.12.2015. He is seeking interim relief of stay also.

3. The applicant was initially appointed as Mukadam in the year 1989. In the year 1991, he was appointed to the post of CRTE on the establishment of respondent Nos. 2 to 4. In the year 2003 i.e. on 29.09.2003, he was promoted to the post of Canal Inspector. Considering the date of appointment as 16.02.1989, the applicant was granted benefit of first time bound promotion w.e.f. 16.02.2001 and upon completion of 24 years, he was granted second time

//2//

O.A. No. 526/2021

bound promotion w.e.f. 16.02.2013. Hence, the applicant availed first and second time bound promotions. On attaining the age of superannuation, the applicant retired on 28.02.2021. However, by the impugned order dated 19.01.2021 (Annexure A-1), the second time bound promotion benefit was withdrawn and he was down-graded in the pay scale and recovery of Rs. 1,32,779/- on account of excess payment is issued.

4. Learned Advocate for the applicant submits that the applicant belongs to Group-C category employee. The recovery is beyond five years. In view of the same, the learned Advocate for the applicant seeks interim stay in view of law laid down by the Hon'ble Supreme Court in the case of **Civil Appeal No. 11527/2014 arising out of S.L.P. (C) No. 11684/2012 & Ors. (State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.)** reported at **AIR 2015 SC 596**.

5. Learned Presenting Officer opposed the submission advanced on behalf of the applicant and stated that he would seek necessary instructions from the respondents and will file affidavit in reply.

6. After having considered all the facts and circumstances of the case as above, it is evident that the applicant retired as Canal Inspector i.e. Group-C employee. He is retired from the service on 28.02.2021. The impugned order is issued on 19.01.2021 (Annexure A-1) ordering recovery for the excess amount paid to the applicant for the period from 01.07.2013 to 31.12.2015. It is beyond five years.

7. In the case law relied upon by the learned Advocate for the applicant, the Hon'ble Supreme Court in the case of **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.** (supra) observed as follows :-

“12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarize the following few situations, wherein recoveries by the employers, would be impermissible in law:

//4//

O.A. No. 526/2021

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employees, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

8. Considering the above facts of the present case, in my considering opinion, the case of the applicant would fall within the parameters of para 13(i), (ii) & (iii) of the **State of Punjab and others etc. Vs. Rafiq Masih (White Washer)**

//5//

O.A. No. 526/2021

etc.(supra). Hence this is a fit case to grant interim stay to the impugned recovery order dated 19.01.2021 (Annexure A-1) till filing of the affidavit in reply by the respondents. Ordered accordingly.

9. Issue notice to the respondents, returnable on 09.12.2021.

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

11. 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.

12. 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.

13. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and

//6//

O.A. No. 526/2021

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

14. S.O. to 09.12.2021.

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

16. The present matter be placed on separate board.

MEMBER (J)

DATE : 28.10.2021

ORIGINAL APPLICATION NO. 687 OF 2021

(Vipul R. Bhagwat Vs. The State of Maharashtra & Ors.)

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

1. Shri I.D. Maniyar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 26.11.2021. The case be listed for admission hearing on **26.11.2021**.

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

**ORIGINAL APPLICATION NO.495/2021
(Vaibhav Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri H.P.Jadhav learned Advocate holding for Shri Balaji Shinde, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

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

3. S.O. to 09-12-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.351/2019
(Sangita Kalbande & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Learned P.O. seeks time to file sur-rejoinder. Time is granted.
3. S.O. to 15-11-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.370/2019
(Yasmin Hashmi Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.G.Pingle, learned Advocate for the applicant, Shri I.S.Thorat, learned Presenting Officer for the respondent nos.1 to 4 and Shri M.S.Dhannawat learned Advocate for respondent no.5.

2. Learned Advocate for the applicant prays for adjournment. Adjournment is granted.

3. S.O. to 09-12-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.1048/2019
(Ramchandra Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri S.G.Kulkarni learned Advocate holding for Shri K.M.Nagarkar, learned Advocate for the applicant, Shri N.U.Yadav, learned Presenting Officer for the respondent no.1 and Shri M.C.Swami learned Advocate for respondent nos.3 and 4.

2. Shri M.C.Swami learned Advocate appears and files Vakalatnama on behalf of respondent nos.3 and 4 on record. He also files affidavit in reply on behalf of the respondent nos.3 and 4. It is taken on record. Copy thereof has been served on the other side.

3. **S.O. to 08-12-2021** for filing affidavit in reply on behalf of respondent nos.1 and 2.

MEMBER (A)

**ORIGINAL APPLICATION NO.353/2020
(Shivraj Kangale Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri S.C.Swami Chakurkar, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant files affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side. However, calculation sheet has not been submitted. Learned Advocate for the applicant states that he will file calculation sheet on the next date.

3. S.O. to 10-12-2021.

MEMBER (A)

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

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

DATE : 28.10.2021

ORAL ORDER :

Shri P.B.Rakhunde, learned Advocate for the applicant is **absent**. Shri B.S.Deokar, learned Presenting Officer for the respondent nos.1, 2 and 5 and Shri S.B.Mene learned Advocate holding for Shri Shamsundar B. Patil learned Advocate for respondent nos.3, 4 and 6, are present.

2. Learned Advocate for respondent nos.3, 4 and 5 prays for adjournment. Adjournment is granted.

3. S.O. to 08-12-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.321/2021
(Dr. Pramod Wawdhane Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant states that pension papers are complete in all respect. However, he has been advised to ensure that requisite information is submitted by the applicant under Form-5 of the Maharashtra Civil Services (Pension) Rules, 1982 before coming to conclusion as stated by him.

3. Learned CPO seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

4. S.O. to 13-12-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.393/2021
(Anjanabai Ingale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant states that he does not wish to file rejoinder. However, he has been advised to furnish necessary details under clause 3(5)(e) as stated in Annexure A of the G.R. dated 21-09-2017, which can be offered to the respondents to put forth their comments and thereafter this Tribunal can arrive at some decision.

3. In the affidavit in reply it has been submitted that as per the enquiry conducted by the respondents, applicant is not eligible to be appointed on compassionate ground as per G.Rs. dated 26-10-1994 and 21-09-2017 and his representation has been rejected. Though these submission are there in the affidavit in reply still some points are there which needs to be taken into consideration for effective adjudication of the matter and those subjective observations may not suffice the purpose.

4. S.O. to 13-12-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.394/2021
(Rekha Mohite & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri A.S.Deshmukh, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for adjournment. Adjournment is granted.

3. S.O. to 10-12-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.597/2021
(Pradnya wd/o D. Medhe & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

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

3. Learned P.O. states that affidavit in reply on behalf of respondent no.1 is not necessary.

4. Learned Advocate for the applicant has been advised to present a copy of Police Gazette which has been referred to in the O.A. in respect of order passed in earlier O.A.No.293/2017 by the Principal Bench of the Tribunal at Mumbai.

5. S.O. to 14-12-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.407/2021
(Aziz Immam Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Shri G.L.Deshpande, learned Advocate for the applicant is **absent**. Smt. M.S.Patni, learned Presenting Officer for the respondents.

2. None is present for the applicant. Learned P.O. files affidavit in reply on behalf of the respondent no.3. It is taken on record. She undertakes to serve copy of the reply on the other side.

3. S.O. to 15-12-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.599/2021
(Bhima Chavan & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Shri Y.H.Jadhav, learned Advocate for the applicant is **absent**. Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents 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 14-12-2021.

MEMBER (A)

**M.A.NO.223/2020 IN O.A.ST.NO.870/2020
(Vitthal Bade Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri I.D.Maniyar learned Advocate holding for Shri R.R.Bangar, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. It has been brought to the notice of learned Advocate for the applicant that pagination of M.A. and O.A. is not done. However, in paragraph 3 of the M.A. a phrase “transfer allowance” has been used, whereas from the contents of the M.A. it appears that the applicant is seeking payment of “travelling allowance”.

3. Learned Advocate for the applicant agrees with the same and seeks leave to make correction which is allowed. Applicant to carry out correction as above.

4. On perusal of M.A. & O.A., it is found that O.A. lacks information about date of relieving from Aurangabad office after completion of task assigned to the applicant vide order dated 26-06-2018 bearing no.54/2018 issued by the Commissioner of Soil and Water Conservation, Maharashtra State, which is annexed as Annexure A-1 at page 12 of the paper book.

=2=

5. Therefore, time is granted to the applicant to submit relieving order as above.

6. S.O. to 14-12-2021.

MEMBER (A)

YUK ORAL ORDERS 28.10.2021

M.A.NO.18/2021 IN O.A.NO.64/2021
(Asef Aslam Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri I.D.Maniyar learned Advocate holding for Shri R.R.Bangar, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent no.1 and Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3.

2. Learned Advocate for respondent nos.2 and 3 states that copy of O.A. is not received by him along with M.A.

3. Learned P.O. undertakes to furnish copy of the O.A. with M.A. to the learned Advocate for respondent nos.2 and 3.

4. S.O. to 13-12-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.550/2019
(Kashinath Ghumare Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant submitted written notes of arguments. Learned P.O. states that his reply may be treated as his written notes of arguments.

3. Arguments of both sides are heard finally and **case is reserved for order.**

MEMBER (A)

**ORIGINAL APPLICATION NO.658/2018
(Raosaheb Bangar Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri I.D.Maniyar learned Advocate holding for Shri R.R.Bangar, learned Advocate for the applicant, Smt. Sanjivani Ghate, learned Presenting Officer for the respondent no.1 and Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3.

2. Learned Advocate for the applicant prays for adjournment. Adjournment is granted.

3. S.O. to 03-12-2021.

MEMBER (A)

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

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.B.Wagh, learned Advocate for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondent no.1 and Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3.

2. Learned Advocate for the applicant files a short affidavit in compliance of order of the Tribunal dated 11-10-2021. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 02-12-2021.

MEMBER (A)

C.P.NO. 2/2021 IN O.A.NO. 984/2018
(Jaiprakash L. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate holding for Smt. Sunita A. Gadekar, learned Advocate for the applicant and Shri Suresh D. Dhongde, learned Advocate for respondent Nos. 1 to 4 / respondent Nos. 3 to 6 in O.A. No. 984/2018.

2. Shri Suresh D. Dhongde, learned Advocate for respondent Nos. 1 to 4 herein submitted that the proposal is pending with the respondent No. 3, the Superintending Engineer, and by the next date he will produce the status report on record and for that purpose he seeks time. Time granted.

3. S.O. to 1.12.2021.

MEMBER (A)

MEMBER (J)

**C.P. 15/21 IN M.A. 91/20 IN O.A.ST. 120/20
(Mahesh D. Shivankar Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

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

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

3. S.O. to 2.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-HDD

ORIGINAL APPLICATION NO. 62 OF 2020
(Dr. Maheshkumar L. Mane Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

S/Shri S.K. Naikwade / K.G. Salunke, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

3. S.O. to 3.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 115 OF 2020
(Pravin S. Thakre Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri C.V. Dharurkar, 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. Time granted.

3. S.O. to 6.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-HDD

ORIGINAL APPLICATION NO. 264 OF 2021
(Sapna D. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer submits that he will file affidavit in reply during the course of the day.

3. S.O. to 7.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-HDD

ORIGINAL APPLICATION NO. 267 OF 2021
(Akshay V. Pardeshi Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

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

3. S.O. to 7.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-HDD

ORIGINAL APPLICATION NO. 282 OF 2021
(Seema S. Jaybhaye Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer submits that he would file affidavit in reply on behalf of respondent Nos. 1 to 4 during the course of the day.

3. S.O. to 7.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 271 OF 2020
(Siddharth M. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

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

3. S.O. to 29.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 378 OF 2021
(Raju H. Sayyed Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri Gaurav L. Deshpande, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 & 2. None appears for respondent No. 3.

2. Shri S.C. Swami, learned Advocate appeared today before this Tribunal and submits that he has received instructions from the respondent No. 4 to appear on his behalf. He further submits that he will file VAKALATNAMA on his behalf on the next date and for that purpose he seeks time.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 & 2. Time granted.

4. S.O. to 16.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 392 OF 2021
(Pravin R. Hivrale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that during the course of the day she will file affidavit in reply.

3. S.O. to 8.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 405 OF 2021
(Dinesh N. Karande Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

S/Shri Suvidh S. Kulkarni / Vishal S. Kadam, learned Advocate for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, present.

2. Record shows that the applicant has not collected the notices from the registry of this Tribunal to serve on the respondents.

3. In view of the above and since nobody appears for the applicant, S.O. to 14.12.2021.

MEMBER (A)

MEMBER (J)

O.A.NO. 470/2018 WITH M.A.NO. 351/2020
(Mahadabai G. Dhulkar Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit in O.A. No. 470/2018 and the same is taken on record and copy thereof has been served on the learned Presenting Officer for the respondents.

3. Learned Advocate for the applicant submits that M.A. No. 351/2020 be heard along with O.A. No. No. 470/2018. Hence, M.A. be kept along with O.A.

4. S.O. to 14.12.2021.

MEMBER (A)

MEMBER (J)

C.P.NO. 18/2021 IN O.A.NO. 229/2021
(Syed Azam Syed Lal Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed a copy of communication dated 27.10.2021 stating that the next date is 16.11.2021, which is computer generated date. As the matter is subjudiced before the Hon'ble Apex Court, the present matter is adjourned.

3. S.O. to 2.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-HDD

ORIGINAL APPLICATION NO. 658 OF 2021
(Sayyed Taufik Harun Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 20.12.2021.

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 20.12.2021.

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

9. The present case be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 659 OF 2021
(Sushilkumar B. Rakh Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 20.12.2021.

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 20.12.2021.

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

9. The present case be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 660 OF 2021
(Vaibhav S. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 20.12.2021.

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 20.12.2021.

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

9. The present case be placed on separate board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 661 OF 2021
(Ganesh R. Sanap Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 20.12.2021.

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 20.12.2021.

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

9. The present case be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 259 OF 2021
(Megharani Prakash Tarkase & Ors. Vs. State of Maha. & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present Original Application has been filed by the applicants seeking to quash Public Notice dated 20.4.2021 (Annexure 'A-9') issued by the respondent Nos. 1 to 3 and any other consequential or allied communication or order as such and seeking directions to the respondent Nos. 1 to 3 to complete recruitment to the post of Tutor, Pediatric Nurse, Psychiatric Nurse and Public Health Nurse in tune with the eligibility criteria as set out in the advertisement dated 21.02.2019 (Annexure 'A-4'). At the outset, learned Advocate for the applicants seeks interim relief in terms of prayer clause 10 (D), which is as follows: -

"10 (D) During pendency and final hearing of the present Original Application the R. 1 to 3 may kindly be directed refrain from proceeding with the Recruitment to the posts of Tutor, Pediatric Nurse, Psychiatric Nurse and Public Health Nurse in tune with the revised Recruitment rules dated 27.02.2021 (Annexure-A.10).

3. Pursuant to the advertisement dated 21.2.2019 (Annexure 'A-4', page-59 of paper book), the applicant Nos. 1 to 8 applied for the post of Public Health Nurse, whereas applicant Nos. 9 to 12 applied for the posts of Tutor, Tutor, Psychiatric Nurse and Pediatric Nurse respectively. It is their contention that the said advertisement is issued pursuant to the Recruitment Rules of the year 1964 for Nursing Personnel in Maharashtra Nursing Service, Class III. They contend that requisite educational qualifications are prescribed in those rules for different posts in Class III of nursing service. All the applicants held the requisite educational qualification. The examination, for the said various posts, was held on 28.2.2021. The results were declared on 16.4.2021. All the applicants are in the merit list. However, public notice was issued on 20.4.2021 (Annexure 'A-9') of which more particularly clause No. 4 thereof is detrimental to the applicants. The said clause No. 4 is as follows: -

“(४) Tutor, Public Health Nurse, Psychiatric Nurse & Pediatric Nurse या चार संवर्गांचे निकाल प्रसिध्द करण्यात आलेले आहेत. तथापि शासनाने या संवर्गांच्या सेवा प्रवेश नियमामध्ये बदल केलेला आहे. नवीन सेवा प्रवेश नियमानुसार या संवर्गामधील पदे भरण्याबाबत शासनाचे आदेश आहे. त्यामुळे या संवर्गांचे समुपदेशन दिनांक २२ व २३ एप्रिल २०२१ रोजी घेण्यात येणार नाही. या संवर्गांचे समुपदेशनाची तारीख स्वतंत्रपणे कळविण्यात येईल.”

The applicants have challenged the said public notice dated 20.4.2021 (Annexure 'A-9').

4. Learned Advocate for the applicants submits that the educational qualification is changed after publication of advertisement, which is not permissible. In order to bring home the said submission he placed reliance on citation reported in the matter of **MAHARASHTRA STATE ROAD TRANSPORT CORPORATION VS. RAJENDRA BHIMRAO MANDVE reported in 2001 AIR SCW 4885**. In paragraph No. 5 of the said citation it is observed as follows: -

“5. -- -- -- -- -- -- -- --
-- -- -- -- -- -- -- --

It has been repeatedly held by this Court that the games of the rules meaning thereby, that the criteria for selection cannot be altered by the authorities concerned in the middle or after the process of selection has commenced. Therefore, the decision of the High Court, to the extent it pronounced upon the invalidity of the circular orders dated 24.6.1996, does not merit acceptance in our hand and the same are set aside.”

5. As against that learned Chief Presenting Officer strenuously urged before us that corrigendum dated 8.3.2019 was issued about newly prescribed qualification for those posts. The last date for filling applications as per the advertisement of the year 2019 was 18.3.2019. In view of the same, according to him the present O.A. is filed suppressing this Corrigendum, which the learned C.P.O. has produced on record during the course of hearing. In view of the same, according to him, the applicants have

participated in the recruitment process with full knowledge that the requisite educational qualification as prescribed in the 1964's rules is enhanced and therefore, they now cannot seek the relief as sought for.

6. Considering the facts of the case, the present case would revolve around this Corrigendum dated 8.3.2019, which is produced on record by the learned C.P.O. during the course of arguments only.

7. Perusal of the said Corrigendum does not give any clue as to under which jurisdiction this Corrigendum is issued by the Deputy Director of Health Service (Nursing), Mumbai. Learned C.P.O. is not able to enlighten or elaborate more on this aspect. In view of the same, at this stage, prima-facie, it can be said that the Corrigendum dated 8.3.2019 is questionable.

8. In the circumstances, at this stage learned Advocate for the applicants submitted that, if further process in respect of Public Health Nurses is stayed, the purpose would be fulfilled.

9. During the course of arguments learned C.P.O. has also placed on record the orders dated 26.2.2021 and 17.8.2021 passed respectively in M.A. no. 63/2021 in O.A. 1133/2018 and O.A. No. 1133/2018 WITH O.A. No. 339/2021. In this regard, learned Advocate for the

applicants has placed on record amended copy of O.A. No. 1133/2018. Perusal of O.A. No. 1133/2018 would show that main relief is sought for in respect of advertisement dated 18.1.2021, whereas the interim relief is sought for in respect of advertisement dated 21.2.2019. Learned principal seat of this Tribunal at Mumbai in those matters has been pleased to expedite the selection process. Learned C.P.O. submitted that subsequent advertisement dated 18.1.2021 referred in the said O.A. 1133/2021 is nothing but in continuation and in addition of earlier advertisement dated 21.2.2019, because the subsequent advertisement speaks of filling of 50% posts. Learned Advocate for the applicants in this regard submitted that he disagrees with the submissions made by the learned C.P.O.

10. As stated earlier, the matter would revolve around the Corrigendum dated 8.3.2019 only, which prescribes enhanced educational qualification more particularly for the post of Public Health Nurse. We are also conscious of the fact that the interim orders passed by the learned principal seat of this Tribunal at Mumbai.

11. Perusal of this O.A. would show that notices were issued on 4.6.2021, returnable on 1.7.2021. Thereafter from time to time this matter has been adjourned on 1.7.2021, 2.8.2021, 7.9.2021, 6.10.2021, 26.10.2021,

27.10.2021 and today i.e. on 28.10.2021. However, the respondents have failed to file affidavit in reply in spite of grant of several opportunities to them. In view of the same, it can safely be inferred that the applicants are deprived of their right of considering the interim relief at the earliest stage. In the circumstances, in our considered opinion, interest of the applicants and more particularly the applicant nos. 1 to 8, who are seeking appointment to the post of Public Health Nurse, can be protected by withholding the issuance of appointment orders to such posts of Public Health Nurse till next date. It is ordered accordingly.

12. At the request of learned C.P.O. S.O. to 1.12.2021 for filing affidavit in reply of the respondents.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 678 OF 2021
(Suresh G. Tandale Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant is seeking ad-interim relief of stay to the departmental enquiry initiated against him before his retirement on superannuation. The applicant submits that due procedure of law is not followed by the respondents. Learned Advocate for the applicant has invited our attention to Annexure -'8', page-82, which is letter dated 30.7.2021 issued by the respondent No. 2, whereby it is stated that the applicant was retired on superannuation on 31.7.2021 and he is being relieved as per Rule 10 & 63 of the Maharashtra Civil Services (Pension) Rules, 1982. Learned Advocate for the applicant also invited our attention to Circular dated 30.4.1971, Annexure-11 issued by the General Administration Department of Government of Maharashtra, wherein rule 188 & 189 of Bombay Civil Services Rules are referred and intimation is contemplated. At this stage, there is no

material on record to show as to whether that provision is complied with or not. In the circumstances, we are of the opinion that at this stage there is no case for granting ad interim relief of staying departmental enquiry, which otherwise has deemed effect under Section 27 of Pension Rules. However, we are keeping the issue of interim relief open upon filing affidavit in reply by the respondents.

3. Issue notice to the respondents, returnable on 13.12.2021.

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

5. 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.

6. 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.

7. 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.

8. S.O. to 13.12.2021.
9. Steno copy and Hamdast is allowed to both parties.
10. The present case be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1075 OF 2019
(Rohini R. Mugale Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate holding for Shri Pratap G. Rodge, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant would be withdrawing the present O.A. and for that purpose he seeks adjournment. Adjournment granted.

3. S.O. to 16.11.2021.

MEMBER (A)

MEMBER (J)

O.A.NOS. 424 & 454 BOTH OF 2020
(Anil D. Kondhare & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri S.R. Shirsath, learned Advocate for the applicants in both these cases and S/Shri S.K. Shirse and I.S. Thorat, learned Presenting Officers for the respective respondents in respective cases.

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

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-HDD

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 : 28.10.2021

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 14.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-HDD

C.P.NO. 13/2021 IN O.A.O. 797/2019

**(Maharashtra Rajya Rekhachitra Shakha Karmachari Sanghatana,
Maharashtra Rajya Vs. State of Maharashtra & Ors.)**

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.N. Shelke, learned Advocate holding for Shri Avinash S. Khedkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 15.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-HDD

ORIGINAL APPLICATION NO. 67 OF 2018
(Dr. Mohd. Feroz Iqbal Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Shri Kiran G. Salunke, learned Advocate for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 15.12.2021. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 614 OF 2018
(Dr. Minakshi B. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.R. Shirsath, learned Advocate holding for Shri Rahul Pawar, learned Advocate for the respondent Nos. 4 & 5.

2. Learned Presenting Officer seeks time for filing affidavit in reply to the amended O.A. Time granted.

3. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1025 OF 2019
(Dr. Sangeeta S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

Shri Shamsundar B. Patil, learned Advocate for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 17.12.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 150 OF 2021
(Mayur P. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Learned Advocate the applicant submits that during the pendency of this O.A. second appeal preferred by him in respect of the validity of sport certificate is dismissed. He wants to bring the said fact on record and for that purpose he seeks leave of this Tribunal. Leave is granted to amend the O.A. to that effect. The applicant shall amend the O.A. within a period of two weeks.

4. S.O. to 9.12.2021.

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 : 28.10.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 14.12.2021 for hearing.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**ORIGINAL APPLICATION NO.511 OF 2021
(Dr. Sujitkumar S. Randive Vs. State of Maharashtra &
Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 17.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**M.A.NO.243 OF 2020 IN O.A.ST.NO.1018 OF 2020
(Gangaram S. Bele Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 03.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**M.A.NO.51 OF 2021 IN O.A.ST.NO.184 OF 2021
(Sangameshwar M. Kadam Vs. State of Maharashtra &
Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, 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, time is granted for filing affidavit-in-rejoinder.

3. S.O. to 06.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**M.A.NO.343 OF 2021 IN O.A.NO.692 OF 2017
(Bhanudas R. Watane Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By this Misc. Application the applicant is seeking stay to recovery of the amount of Rs.2,17,504/- from the salary of the applicant as per letter dated 02.09.2021 (Annexure 'A-4') issued from the office of District Supply Officer, Parbhani.

3. The Original Application is filed in the year 2017 challenging the reversion of the applicant from the post of Awal Karkoon to Clerk pursuant to punishment imposed upon the applicant by order dated 27.08.2015 issued by the respondent No.3 i.e. Collector, Parbhani and confirmed by the respondent No.2 i.e. Divisional Commissioner, Aurangabad by order dated 28.12.2016.

4. It is the contention of the applicant that the applicant is facing criminal case. In the punishment order there is no mention of recovery of the alleged misappropriated amount.

//2//

M.A.343/2021
O.A.692/2017

In

5. In the circumstances, in our considered opinion, it would be just and proper to grant ad-interim relief of stay to the recovery of the applicant pursuant to letter dated 02.09.2021 (Annex. 'A-4') till filing of reply of the respondents. It is ordered accordingly.

6. Issue notice to the respondents, returnable on 13.12.2021.

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

8. 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.

9. 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.

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

//3//

M.A.343/2021
O.A.692/2017

In

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

11. S.O. to 13.12.2021.
12. Steno copy and Hamdast is allowed to both parties.
13. The present matter is placed on separate board.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**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 : 28.10.2021

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 07.12.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.223 OF 2020
(Divya S. Nandi & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 13.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**ORIGINAL APPLICATION NO.618 OF 2018
(Sharad D. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 10.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**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 : 28.10.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 13.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**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 : 28.10.2021

ORAL ORDER :

Heard Shri Mohit Deshmukh, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents Nos.1 to 4. Shri S.N. Gaikwad, learned Advocate for the respondent No.5 is **absent**.

2. By consent of both the sides, S.O. to 29.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**ORIGINAL APPLICATION NO.603 OF 2017
WITH
ORIGINAL APPLICATION NO.604 OF 2017
WITH
ORIGINAL APPLICATION NO.605 OF 2017
WITH
ORIGINAL APPLICATION NO.606 OF 2017
WITH
ORIGINAL APPLICATION NO.607 OF 2017
WITH
ORIGINAL APPLICATION NO.608 OF 2017
WITH
ORIGINAL APPLICATION NO.609 OF 2017
WITH
ORIGINAL APPLICATION NO.780 OF 2017
(Jaideep A. Limbale & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri A.S. Deshmukh and Ms. Preeti R. Wankhade, learned Advocates for the applicants in respective O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all the O.As.

2. At the request and by consent of both the parties, S.O. to 22.12.2021. Interim relief granted earlier to continue until further orders.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.414 OF 2018
(Vranda P. Sadgure Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.613 OF 2018
(S.D. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 28.10.2021

ORAL ORDER :

O.A. NO.414 OF 2018

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos.1 to 3 and Ms. Preeti R.Wankhade, learned Advocate for the respondent no.4.

O.A. NO.613 OF 2018

Heard Shri N.S. Kadarle, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 3 and Shri A.S. Deshmukh, learned Advocate for the respondent no.4.

2. Short affidavit filed by the applicant in O.A.No.414/2018 is taken on record and copy thereof has been served on the other side.

3. At the request of the learned P.O., S.O. to 29.11.2021 for compliance of order dated 20.10.2021.

MEMBER (A)

MEMBER (J)

**T.A.NO.01/2021 IN W.P.NO.4908/2021
(Shivaji T. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos.1 & 2, Shri Ujjawal S. Patil, learned Advocate with Shri Panduranga Gaikwad and Shri Bhalchandra Shinde, learned Advocate for the respondent Nos.3 to 5 and Shri C.V. Dharurkar, learned Advocate for the Respondent Nos.6 to 8.

2. The present matter is already part heard.
3. By consent of parties, S.O. to 17.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**M.A.NO.337/2021 IN M.A.NO.309/2021 IN T.A. 2/2021
(W.P.NO.2612/2021)
(Pratibha S. Ingle Vs. State of Maharashtra & Ors.)**

WITH

**M.A.NO.305/2021 IN M.A.NO.309/2021 IN T.A. 2/2021
(W.P.NO.2612/2021)
(The State of Maharashtra & Ors. Vs. Samiksha R.
Chandrakant & Anr.**

WITH

**M.A.NO.310/2021 IN M.A.NO.309/2021 IN T.A. 2/2021
(W.P.NO.2612/2021)
(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 : 28.10.2021

ORAL ORDER :

M.A.NO.337/2021 IN M.A.NO.309/2021 IN T.A. 2/2021

Heard Shri Ujjawal S. Patil, learned Advocate with Shri Panduranga Gaikwad and Shri Bhalchandra Shinde, learned Counsel for the applicants in M.A., Shri Ajay S. Deshpande, learned Advocate for the respondent no.1/applicant in O.A. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

//2//

M.A.NO.305/2021 IN M.A.NO.309/2021 IN T.A. 2/2021

Heard Shri M.S. Mahajan, learned Chief Presenting Officer for applicants in M.A.No.305/2021 & Shri Ajay Deshpande, learned Advocate for the respondents in present M.As./applicants in T.A. in M.A.305/2021.

M.A.NO.310/2021 IN M.A.NO.309/2021 IN T.A. 2/2021

Heard Shri Ujjawal S. Patil, learned Advocate with Shri Panduranga Gaikwad and Shri Bhalchandra Shinde, learned Counsel for the applicants in M.A.(respondent Nos.5 to 10 in T.A.), Shri M.S. Mahajan, learned Chief Presenting Officer for applicants in M.A. (respondent Nos.1 to 4 in T.A.) and Shri Ajay S. Deshpande, learned Advocate for the respondents Nos.5 & 6 in M.A.

2. The present matter is already part heard.
3. The matter is fixed for continuation of arguments of learned Advocate for the applicants.
4. S.O. to 17.11.2021. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**M.A.NO.13 OF 2021 IN O.A.ST.NO.50 OF 2021
(Dashrath D. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 28.10.2021**

ORAL ORDER :

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

2. The present matter is reserved for order.

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**M.A.NO.340 OF 2021 WITH M.A.NO.341 OF 2021 IN
O.A.NO.77 OF 2020
(Mahesh S. Khedkar & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri C.T. Jadhav, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply in M.A.No.341/2021.

3. S.O. to 24.11.2021.

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

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

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 26.11.2021 for hearing.

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**ORIGINAL APPLICATION NO.1087 OF 2019
(Ravindra B. Chobe Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri Jayant 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 22.11.2021 for final hearing.

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

**ORIGINAL APPLICATION NO.369 OF 2020
(Uttam G. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 28.10.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, 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 09.12.2021 for final hearing.

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

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

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 24.01.2022 for final hearing.

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS

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

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

DATE : 28.10.2021

ORAL ORDER :

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

2. Affidavit-in-sur-rejoinder filed on behalf of the respondent Nos.1 to 4 is taken on record and copy thereof has been served on the other side.

3. S.O. to 30.11.2021.

MEMBER (J)

ORAL ORDERS 28.10.2021-SAS