

**ORIGINAL APPLICATION NO. 893 OF 2019**  
**(Dr. Vinayak S. Bhatkar V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant placed on record a copy of communication dated 24.02.2020 received to him from the applicant for withdrawal of the present O.A. He has submitted that the applicant does not want to proceed with the present O.A. and wants to withdraw the same. Therefore, he seeks leave of this Tribunal to withdraw the O.A.

3. Learned Presenting Officer has prayed to pass necessary order.

4. In view of the submissions advanced by the learned Advocate for the applicant, leave as prayed for is granted. The O.A. is disposed of as withdrawn with no order as to costs.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 721 OF 2018**  
**(Shri Bhagwan L. Sangle V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 & 4 and Shri S.G. Kulkarni, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the respondent Nos. 2 & 3.

2. At the request of learned Advocate for respondent Nos. 2 and 3, S.O. to 23.03.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 415 OF 2019**  
**(Shri Rajendra S. Jagdale V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 15.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 835 OF 2019**  
(Shri Sanjay M. Churmurkar V/s. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent No. 1 and Shri S.B. Mene, learned Advocate for respondent Nos. 2 and 3.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof has been served on the other side.

3. Learned Advocate for the respondent Nos. 2 and 3 has placed on record a copy of communication dated 14.02.2020 and submitted that respondent Nos. 2 and 3 are adopting the affidavit in reply filed by the respondent No. 1.

4. S.O. to 08.04.2020.

**ACTING CHAIRMAN**

**ORIGINAL APPLICATION NO. 338 OF 2019**  
(Shri Chandrabhan B. Thorat V/s. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri Abhijit Mane, learned Advocate holding for Shri O.D. Mane, 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, as a last chance, S.O. to 16.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**M.A. No. 503/2019 in O.A. St. No. 2016/2019**  
**(Shri Meheboob B. Nunbush V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri Ashish Rajkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 07.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**M.A. No. 373/2019 in O.A. No. 980/2018**  
**(Shri Narayan K. Vyas V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 16.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 338 OF 2019**  
(Shri Chandrabhan B. Thorat V/s. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri Abhijit Mane, learned Advocate holding for Shri O.D. Mane, 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, as a last chance, S.O. to 16.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020



**ORIGINAL APPLICATION NO. 916 OF 2019**  
**(Shri Sandip K. Patil V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri S.R. Sapkal, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 and 2 and Shri K.B. Jadhav, learned Advocate for respondent No. 3.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof has been served on the other side. He has submitted that presently the affidavit in reply of respondent No. 1 is not necessary.

3. Learned Advocate for respondent No. 3 has filed affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

4. S.O. to 07.04.2020.

**ACTING CHAIRMAN**

**M.A. No. 556/2019 in O.A. St. No. 1846/2019**  
**(Shri Sambhaji R. Suryawanshi V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

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

3. S.O. to 15.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**M.A. No. 557/2019 in O.A. St. No. 1847/2019**  
**(Shri Govardhan B. Dongre V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

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

3. S.O. to 15.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**M.A. No. 558/2019 in O.A. St. No. 1845/2019**  
**(Shri Datta L. Sangvikar V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

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

3. S.O. to 15.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 07 OF 2020**  
**(Shri Ganesh T. Gorade V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri M.B. Bharaswadkar, learned Advocate holding for Shri S.B. Jadhav, 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 09.03.2020 for filing application for condonation of delay.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 111 OF 2020**  
**(Shri Rajendra S. Buwa V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 07.04.2020.

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

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

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

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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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 07.04.2020.

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

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**M.A. No. 88/2020 in O.A. No. 1106/2019**  
**(Shri Sanjay R. Koli V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri M.B. Bharaswadkar, learned Advocate holding for Shri S.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. This is an application filed by the applicant for production of documents in the O.A.

3. For the reasons stated in the M.A., the same is allowed. The applicant is permitted to produce the documents in the O.A.

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

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020



**ORIGINAL APPLICATION NO. 408 OF 2019**  
**(Shri Sandeep G. Salve V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, S.O. to 23.03.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 728 OF 2019**  
**(Shri Shrikant P. Borase V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Ms. Pragati Khadole, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer seeks time for filing affidavit in reply on behalf of respondents.

4. On perusal of the record, it reveals that already last chance was given to the respondents for filing affidavit in reply. But they have failed to file affidavit in reply in time. There is no just ground to grant further time. However, in the interest of justice, time is granted as a most last chance to the respondents filing affidavit in reply subject to payment of costs of Rs. 10,000/- (Rs. Ten Thousand Only). The amount of costs shall be deposited in the Registry of this Tribunal.

5. S.O. to 17.04.2020.

**ACTING CHAIRMAN**

**ORIGINAL APPLICATION NO. 876 OF 2019**  
**(Shri Ishwar J. Chavan V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof has been served on the other side. He has submitted that presently the affidavit in reply of respondent No. 1 is not necessary.

3. S.O. to 07.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 911 OF 2019**  
**(Shri Raosaheb B. Nikam V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri R.V. Gore, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 and 2 and Shri S.D. Munde, learned Advocate for A.K. Muley, learned Advocate for respondent No. 3.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof has been served on the other side. He has submitted that presently the affidavit in reply of respondent No. 1 is not necessary.

3. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 17.04.2020.

**ACTING CHAIRMAN**

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

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

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

3. S.O. to 14.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 60 OF 2020**

(Sau. Sangita S. Patil @ Alka M. Chaudhari V/s. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 16.04.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. No. 60/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 16.04.2020.

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

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 490 OF 2018**  
**(Shri Bhaudas D. Vaishnav V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Ms. Pragati Khadole, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 13.03.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020



**ORIGINAL APPLICATION NO. 620 OF 2018**  
**(Shri Baband D. Gadekar V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri S.B. Mene, learned Advocate holding for Shri V.M. Maney, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to argue the matter. Time granted as a last chance. On failure to argue the matter on the next date, the matter will be dismissed.

3. S.O. to 21.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 823 OF 2018**  
(Shri Shubham H. Myadarwad V/s. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Shri G.J. Karne, learned Advocate for the applicant (**Absent**).

Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. None present for the applicant. The matter is pretty old. It seems that the applicant is not interested in prosecuting the matter. Hence, the O.A. stands dismissed in default with no order as to costs.

**ACTING CHAIRMAN**

**Later on**

3. Learned Advocate Shri G.J. Karne, for the applicant appeared at 1.30 p.m. and states that he was not able to attend the Tribunal, when the matter has been called, as he was suffering from ill-health. In view of the above said reason, he has prayed to recall the order of dismissal passed in the present O.A. today i.e. on 28.02.2020.

4. Learned C.P.O. has submitted that he has no objection to restore the Original Application.

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O.A. No. 823/2018

5. In view of the submissions advanced by the learned Advocate for the applicant, the order of dismissal passed in the present O.A. today i.e. on 28.02.2020 is recalled. The O.A. is restored to its original number.

6. At the request of learned Advocate for the applicant, S.O. to 08.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 931 OF 2018**  
**(Shri Manik P. Darade V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Shri V.G. Pingle, learned Advocate for the applicant (**Leave Note**).

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

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 17.04.2020.

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**M.A. No. 110/2020 in O.A. St. No. 05/2020**  
**(Shri Shivaji V. Bhairat V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. This is an application filed by the applicant for restoration of Original Application which was dismissed on 08.01.2020.

3. Learned Advocate for the applicant is appearing on behalf of Shivaji V. Bhairat, who is original applicant in the O.A.

4. On perusal of the record, it reveals that the applicant died on 11.01.2020. On the death of the applicant i.e. Shivaji V. Bhairat, the authority given by him to the learned Advocate Shri K.G. Salunke, has expired. Moreover, the proceedings abated on the death of the applicant. Therefore, the present M.A. is not maintainable, as it is in the name of deceased person/employee. Hence, the M.A. deserves to be rejected.

5. In view of this, the M.A. stands rejected with no order as to costs.

**ACTING CHAIRMAN**

**M.A. No. 343/2019 in O.A. No. 748/2017**  
**(Shri Parasram N. Sonawane V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Ms. Pragati Khadole, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. This is an application filed by the applicant for amending the O.A.

3. On perusal of the record and the contention of the applicant, it reveals that the order dated 02.06.2017 has not been communicated to the applicant and the applicant has come to know about the said order, when the respondents have filed their affidavit in reply in the O.A. The applicant intends to challenge the said order and therefore, he has prayed to allow him to make suitable amendment in the pleadings and prayer clause of the O.A. in that regard. The proposed amendment is consistent with the earlier pleadings of the applicant and it does not cause prejudice to the rights of the respondents. It avoids multiplicity of the proceedings.

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M.A. 343/19 in  
O.A. 748/2017

4. In view of this, the M.A. is allowed. The applicant is permitted to amend the O.A. as proposed. The applicant shall carry out the amendment in the O.A. within a period of two weeks. He shall produce the amended O.A. on record and serve copy of the amended O.A. on other side.

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

**ACTING CHAIRMAN**

KPB/ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO.122/2020**

**(Sandip Prakash Jadhav V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has submitted that earlier the applicant was transferred as Executive Engineer, Sulwade Jamfal, Kanoli Lift Irrigation Division, Dhule by order dated 31-05-2019. He has submitted that thereafter the applicant took efforts and made progress in the construction of the lift irrigation scheme. He has submitted that till March, 2019 only Rs.28.76 crores had been spent on the said project. After taking charge of the post by the applicant, he took efforts to make progress in the work and therefore the work is in full speed and as on today expenses of Rs.285.08 crores have been incurred on the project. He has submitted that the applicant has received appreciation letters from the superiors for the excellent work done by him. He has submitted that there is no complaint against the applicant but the respondent has abruptly transferred him by the



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O.A.No.122/2020

impugned order dated 27-02-2020 and posted him as Executive Engineer and Reader, Maharashtra Engineering Training Academy, Nashik. He has submitted that the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 ("Transfer Act" for short) have not been followed by the respondents while passing the order. He has argued that the applicant has not been yet relieved and he is still working on the said post, and therefore, he has prayed to grant interim protection to the applicant by granting interim relief.

3. Learned CPO has submitted that the transfer of the applicant has been made on the report submitted by Tapi Irrigation Development Corporation, Jalgaon and the impugned order has been issued after following the provisions of the Transfer Act. He has submitted that there is no illegality in the impugned order. Learned CPO on instructions received from Shri S.G.Gangarkar, Under Secretary, states that the applicant has been relieved and charge of the post has been given to one Shri Patil. He has submitted that the transfer order has been executed and therefore

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O.A.No.122/2020

no question of granting interim relief arises. He has therefore prayed to reject the prayer of the applicant for interim relief.

4. On perusal of record it reveals that on the basis of report submitted by Tapi Irrigation Development Corporation, Jalgaon the impugned order has been issued after following provisions of the Transfer Act. Applicant has been relieved from the post and one Shri Patil has taken over charge of the post of the applicant. As the impugned order has already been executed, no question of granting interim relief arises. Hence, the request to grant interim relief is rejected.

5. Issue notice to the respondents, returnable on 03-04-2020.

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

7. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that

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O.A.No.122/2020

the case would be taken up for final disposal at the stage of admission hearing.

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

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

10. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

11. S.O. to 03.04.2020.

12. Steno copy and Hamdast is allowed.

**ACTING CHAIRMAN**

**M.A.NO. 279/2019 IN O.A.ST.NO. 1133/2019**  
**(Shri Ashok R. Sathewad V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. The applicant has filed the present M.A. for condonation of delay of about 2 years and 5 months caused for filing the accompanying Original Application. The accompanying Original Application has been filed by the applicant challenging the order dated 02.02.2016 issued by the respondent No. 3 directing the recovery of excess amount paid to the applicant and also for refund of the amount in the tune of Rs. 76,940/-.

3. It is contention of the applicant that he is challenging the order dated 02.02.2016 issued by the respondent No. 3; thereby re-fixing his pay scale w.e.f. 1.12.1982 to 1.7.2015 and directing recovery from him and also seeking relief of refund of the amount, which has been recovered from his monthly salary. It is contention of the applicant that as per the order dated 02.02.2016 an amount of Rs. 7,694/- per month has

been deducted from his salary for the period from February, 2016 to November, 2016. It is his contention that he has retired from the Government service on 30.11.2016 on attaining the age of superannuation. It is his contention that he was ill and, therefore, he could not be able to approach this Tribunal within a prescribed time limit. It is his contention that he visited the office of the respondents from time to time and requested to refund the amount and the respondent No. 3 assured to him for refund of the said amount. It is his contention that he has made application for refund of the said amount on 10.01.2019 to the respondent No. 3. The respondent No. 3 has not decided the said application filed by the applicant till today. Thereafter, he approached this Tribunal. It is his contention that delay has been caused for filing accompanying Original Application as he was suffering from illness. Therefore, he prayed to condone the said delay by allowing the present Miscellaneous Application. It is his contention that he was under treatment from 7.7.2011 to 27.4.2013 and thereafter he was taking continuous treatment till 10.1.2019. It is his contention that because of the illness he could not able to approach this Tribunal within a prescribed time limit. It is his contention that

**:: - 3 - ::**

**M.A.NO. 279/2019 IN  
O.A.ST.NO. 1133/2019**

delay caused for filing accompanying Original Application is not deliberate and intentional. Therefore, he has prayed to condone the delay caused for filing accompanying Original Application by allowing the present Miscellaneous Application.

4. Respondent Nos. 1 to 3 has filed their affidavit in reply and resisted the contentions of the applicant. It is their contentions that delay of about 2 years and 5 months has been caused for filing accompanying Original Application. It is their contention that the said delay is inordinate and it has not been explained by the applicant by giving plausible explanation. Therefore, they prayed to reject the present Miscellaneous Application.

5. I have heard the arguments advanced by Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents. I have perused the application, affidavit, affidavit in reply filed by respondent Nos. 1 to 3. I have also perused the documents filed by both the sides.

6. Admittedly, the applicant was serving in the Police Department. Admittedly, he retired on 30.11.2016 on attaining the age of superannuation as Assistant Police Sub Inspector. There is no dispute about the fact that the respondent No. 3 re-fixed the pay of the applicant by order dated 2.2.2016 and directed recovery of excess payment made to the applicant due to wrong pay fixation. Admittedly, the respondents have recovered the amount of Rs. 7,694/- per month by order dated 2.2.2019 from the salary of the applicant. Admittedly, the amount of Rs. 7,694/- per month has been recovered from the salary of the applicant for the period from February, 2016 to November, 2016. The entire recovery has been made before retirement of the applicant. Admittedly, the applicant had not challenged the said order within a prescribed period of limitation.

7. Learned Advocate for the applicant has submitted that the applicant was suffering from illness. He was admitted in the Mathru Chaya Hospital on 7.7.2011. Thereafter, he was again admitted in the hospital on 6.7.2011 and 4.6.2013 for taking treatment. He has submitted that the applicant was suffering from Hypertension and he was admitted

**:: - 5 - ::**

**M.A.NO. 279/2019 IN  
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during the period from 21.4.2013 to 27.4.2013 in the Om Multi Specialty Hospital, Jalna for taking medical treatment. Thereafter, he was also admitted on 28.3.2012 in the hospital for medical treatment. He has submitted that the applicant was also suffering from bone problems of his knee and therefore, he has taken the medical treatment on 10.11.2016, 20.8.2017, 16.1.2018, 8.12.2018 and 10.1.2019. He has argued that the applicant is suffering from illness and, therefore, he could not be able to approach this Tribunal within a stipulated time challenging the impugned order. He has submitted that the applicant made representation to the respondents on 10.1.2019 with a request to refund the amount recovered from his salary, but the respondent No. 3 has not taken any decision on the said representation. There is no intentional and deliberate delay. He has submitted that valuable rights of the applicant are involved in the accompanying Original Application. Therefore, he has prayed that the delay may be condoned by allowing the Miscellaneous Application.

8. Learned Presenting Officer has submitted that the delay of 2 years and 5 months has been caused for



filing accompanying Original Application. He has submitted that the “sufficient cause” has not been shown by the applicant giving plausible explanation. He has submitted that the delay is inordinate and it is intentional. Therefore, he prayed to reject the Miscellaneous Application.

9. Learned Presenting Officer has further submitted that the applicant retired from the Government service on 30.11.2016 on attaining the age of superannuation. Thereafter, he has not approached this Tribunal in time. He has not produced any documentary evidence to prove that he was ill since his retirement and he was prevented to file O.A. by sufficient cause. He has submitted that the delay caused for filing accompanying Original Application is intentional and deliberate. He has argued that in the absence of the evidence the contention of the applicant cannot be accepted and, therefore, he has prayed to reject the Miscellaneous Application.

10. On perusal of the record it reveals that the applicant retired from the service on 30.11.2016 on attaining the age of superannuation. The amount of Rs. 76,940/- has been recovered before his retirement

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**M.A.NO. 279/2019 IN**  
**O.A.ST.NO. 1133/2019**

on account of excess payment made to him. Recovery has been made from his salary from February, 2016 and last installment has been recovered from his salary for the month of November, 2018. The applicant was aware of the impugned order dated 2.2.2016 and recovery. He has not challenged the impugned order till his retirement. On perusal of the record it reveals that the applicant was suffering from illness and admitted in Mathru Chaya Hospital in the year 2011. Thereafter, he took treatment on OPD basis. He has produced prescriptions regarding the medicines prescribed to him. The said document do not show that the applicant became ill after his retirement i.e. after 30.11.2016 and the ill-ness was so serious that he could not able to approach this Tribunal. There is nothing on record to show that the applicant was admitted in the hospital after retirement and he was unable to approach the Tribunal. In the absence of the evidence it can be said that the applicant was prevented to approach this Tribunal because of his ill-health. On the contrary, it reveals that since the date of retirement he had not approached this Tribunal within a prescribed time

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limit and, therefore, the delay of 2 years and 5 months has been caused in filing the accompanying Original Application. The delay is intentional and deliberate. In these circumstances, the Miscellaneous Application cannot be allowed, as the applicant has not explained the delay by giving plausible reason. There is no merit in the present Miscellaneous Application. Hence, it deserves to be dismissed.

11. In view of the discussions in the aforesaid paragraphs, the Miscellaneous Application is dismissed. Consequently, the registration of the accompanying Original Application is refused.

There shall be no order as to costs.

**ACTING CHAIRMAN**

**M.A.NO. 325/2019 IN O.A.ST.NO. 1389/2019**

**(Shri Sukhdeo R. Solankar V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant prays to issue fresh notice to the respondent No. 2. Hence, issue fresh notice to the respondent No. 2 in M.A. No. 325/2019, returnable on 17.04.2020.

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.

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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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 17.04.2020.

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

**ACTING CHAIRMAN**

ORAL ORDERS 28.02.2020-HDD

**M.A.NO. 521/2019 IN O.A.ST.NO. 1930/2019**  
**(Shri Prashant P. Sonagraa V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Shri A.D. Kawaare, learned Advocate for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, present.

2. None appears for the applicant. It appears from the proceeding that notice is not served on the respondent No. 3 by the applicant.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 & 2. Hence, the present case be fixed for order on 8.4.2020.

**ACTING CHAIRMAN**

ORAL ORDERS 28.02.2020-HDD

**ORIGINAL APPLICATION NO. 119 OF 2020**  
(Smt. Vrushali V. Maindarkar V/s. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. At the request of learned Chief Presenting Officer  
for the respondents, S.O. to 02.03.2020.

**ACTING CHAIRMAN**

ORAL ORDERS 28.02.2020-HDD

**ORIGINAL APPLICATION NO. 106 OF 2020**  
**(Dr. Prakash R. Kanade V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 16.04.2020.

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

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

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



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(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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 16.04.2020.

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

**ACTING CHAIRMAN**

ORAL ORDERS 28.02.2020-HDD

**ORIGINAL APPLICATION NO. 57 OF 2020**  
(Smt. Vrushali B. Tambe V/s. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the  
applicant, S.O. to 01.04.2020, as the applicant intends  
to carry out the amendment in the Original  
Application.

**ACTING CHAIRMAN**

ORAL ORDERS 28.02.2020-HDD

**ORIGINAL APPLICATION NO. 100 OF 2020**  
**(Shri Ashok R. Jagdhane V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant seeks short time to satisfy this Tribunal on the point of maintainability of the Original Application. Time granted.

3. S.O. to 06.03.2020.

**ACTING CHAIRMAN**

ORAL ORDERS 28.02.2020-HDD

**ORIGINAL APPLICATION NOS. 108/2020**  
**(Bhausahab B. Rakh & Ors. Vs. State of Maharashtra & Ors.)**  
**AND**  
**ORIGINAL APPLICATION NOS. 109/2020**  
**(Lahu Uttam Pandit & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORDER**

Heard Shri S.S. Thombre, learned Advocate for the applicants in both the cases and Shri M.S. Mahajan & Smt. Priya R. Bharaswadkar, learned Chief Presenting Officer & learned Presenting Officer for the Respondents in respective the cases.

2. Applicants are challenging the orders dtd. 23.1.2020, 24.1.2020 & 25.1.2020 issued by the respondent no. 2 thereby terminating their services, by filing the respective O.As.

3. Learned Advocate for the applicants has submitted that the applicants were appointed as a nominee of freedom fighters by the respective departments and they are serving in their respective departments since more than 17 to 20

*::-2-:: O.A. NOS. 108 & 109 BOTH OF 2020*

years. After verifying the documents, they have been appointed as nominee of freedom fighters in view of the G.Rs. issued by the Government from time to time. He has argued that after their appointment the certificates given to the freedom fighters had been cancelled in view of the directions given by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in the respective writ petitions. He has submitted that thereafter the said freedom fighters approached to the Hon'ble Supreme Court and the Hon'ble Supreme Court directed the State Government to extend the pensionary benefits to the freedom fighters and not to their legal heirs or nominees. He has argued that accordingly the pensionary benefits had been restored to the freedom fighters in view of the protection given by the Hon'ble Supreme Court. But thereafter the respondents issued the show cause notice to the applicants to which they have filed their reply. He has submitted that the applicants from Beed District have been regularized in the service. But the respondents without initiating the departmental enquiry and without following the provisions of Maharashtra Civil Services

Rules terminated their services by the impugned orders. He has submitted that the provisions of M.C.S.R. have not been followed by the respondents while issuing the impugned orders. Not only this but, the principles of natural justice have not been followed while issuing the said orders. Therefore the impugned orders are illegal. Hon'ble the Supreme Court has restored the benefits to the freedom fighters and therefore the applicants ought to have been continued in service by the respondents. But the respondents issued the impugned orders illegally. He has submitted that, though the impugned orders have been issued by the respondent no. 2, the applicants are still working on the respective posts and they have not been relieved. Therefore, he prayed to grant the interim stay to the implementation and operation of the impugned orders.

4. Learned Chief Presenting Officer and Presenting Officer have submitted that the certificates / sanmanpatra issued in favour of the freedom fighters have been cancelled long back by the Government in view of the directions

::-4-:: O.A. NOS. 108 & 109 BOTH OF 2020

given by the Hon'ble Supreme Court. On the basis of the directions given by the Hon'ble High Court and Hon'ble Supreme Court the Government had cancelled the sanmanpatra and the pensionary benefits of the freedom fighters. Thereafter the respective freedom fighters approached the Hon'ble Supreme Court by filing S.L.P. in which Hon'ble Supreme Court granted relief to them and directed the Government to extend the pensionary benefits to the freedom fighters and not to their legal heirs / nominees. In view of the directions of Hon'ble Supreme Court the benefit extended to the nominees of freedom fighter come to an end. They have submitted that as per the directions given by the Hon'ble High Court and Hon'ble Supreme Court the Government had taken action and accordingly show cause notices have been issued to the applicants before issuance of the termination orders. They have submitted that an opportunity of hearing was given to the applicants and after hearing them, the impugned orders have been passed. They have submitted that the applicants were appointed on the basis of nomination given by the freedom fighters in

their favour. When the status of freedom fighters itself has been cancelled by the Government, the applicants cannot claim themselves as nominees of freedom fighters. Therefore, they are not entitled to claim employment in the Government on that basis. Therefore, their appointments were illegal. Hence their services had been terminated by the respondent no. 2 by the impugned orders. They have submitted that the termination orders have been served on the applicants immediately and applicants put their signatures in acknowledgement of the said orders. Since the applicants have been relieved with immediate effect and they were served with the said termination orders, the applicants cannot claim that they are still in service. They have submitted that the impugned orders have been implemented and therefore the question of grant of interim relief in favour of the applicants does not arise. They have, therefore, prayed to reject the prayer of the applicant for grant of interim relief.

5. On perusal of documents on record, prima-facie it reveals that the applicants are claiming



::-6-:: O.A. NOS. 108 & 109 BOTH OF 2020

themselves as nominees of the persons who received sanmanpatra and pension as freedom fighter of Hyderabad Mukti Sangram in furtherance to the policy of the Government. The applicants were appointed in the employment of the Government in different departments on the basis of their nomination. After appointment of the applicants several complaints were received by the Government alleging that most of the persons who had received sanmanpatra as freedom fighters of Hyderabad Mukti Sangram were false / bogus and the same were obtained by them fraudulently. Accordingly writ petition no. 2611/2002 was filed before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad and the Hon'ble High Court pleased to appoint the committee of Justice M.R. Mane to enquire into the complaints. The said committee enquired in the matter and submitted its report and recommended to stop the pensionary benefits of those 349 people. The said report was challenged before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad by filing writ petition and Hon'ble High Court vide its order dtd. 19.3.2004 set aside the inquiry

report of the said Committee. Being aggrieved by the said order some aggrieved persons approached the Hon'ble Supreme Court by filing S.L.P. no. 37835-37847/2012 and the Hon'ble supreme Court was pleased to appoint one member committee of Hon'ble Justice Palkar and in pursuant thereto the State Government vide its G.R. dtd. 1.8.2005 was pleased to constitute the commission of Justice Palkar to inquire in to the cases of 355 freedom fighters. Thereafter Justice Palkar Committee submitted its report after conducting the enquiry. Thereafter in pursuant to the report of Justice Palkar Committee, the State Government issued G.R. dtd. 21.3.2017 and directed to stop the pensionary benefits of these 298 freedom fighters as well as it has also directed to get back the honorary certificates granted to the said freedom fighters.

6. Thereafter, in the year 2008 writ petition no. 2246/2008 was filed before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad as the Government has not taken any action in that regard. The Hon'ble High

::-8-:: O.A. NOS. 108 & 109 BOTH OF 2020

Court vide its order dtd. 27.9.2013 directed the Government to look into the application within a period of four months from the date of that order. In pursuance of the said order the Government issued a G.R. dtd. 11.2.2014 thereby directed that pensionary benefits of those 298 freedom fighters be recovered with interest and nominations granted in favour of the nominees of the freedom fighters be cancelled and the nominees who have appointed as per the nominations of these 298 freedom fighters be given an opportunity of hearing and thereafter to terminate their services by the appointing authority and against these 298 freedom fighters a criminal prosecution be initiated.

7. The freedom fighters, whose pensionary benefits were withdrawn in pursuant to the report of Justice Palkar Commission, approached the Hon'ble High Court and their writ petitions were dismissed. Being aggrieved by the said decision of Hon'ble High Court, the aggrieved freedom fighters approached the Hon'ble Supreme Court by filing Civil Appeal nos. 10624-10636/2013 arising out of special leave petition

(c) nos. 37835-37847/2015 and the Hon'ble Supreme Court vide its order dtd. 25.11.2013 allowed the said appeals and set aside the impugned judgment and order passed by the Hon'ble High Court and further directed that the pensionary benefits granted by the Government will ensure only to the benefit of the appellants and not to their legal heirs / representatives. After the bereavement of the appellants the pensionary benefits so granted by the Government will come to an end. The Hon'ble Supreme Court has also quantified the arrears from the date of cancellation of the pensionary benefits till date at Rs. 3,000/- each payable to the appellants within three months from the date of receipt of a copy of said order. In pursuance of the decision of the Hon'ble Supreme Court the District Collector, Beed issued notice to the Treasury Office, Beed and their pensionary benefits were restored as well as the arrears as directed by the Hon'ble Supreme Court were also to be released in favour of the freedom fighters.

8. In pursuance of the order passed by the Hon'ble High Court the Government issued G.R.

::-10-: O.A. NOS. 108 & 109 BOTH OF 2020

dtd. 11.2.2014. Being aggrieved by the G.R. dtd. 11.2.2014 nominees of freedom fighters whose sanmanpatra were cancelled have challenge the said G.R. before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad by filing writ petition no. 2998/2014 & ors, which were decided by the Hon'ble High Court on 17.4.2014 wherein it has been observed as follows :-

*“20. Drawing parallel analogy to the case of A.P. Ramtekkar (supra), petitioners contend that since they are in employment since years together, their services need to be protected subject to imposition of certain other conditions, which the appointing authority may deem fit in the facts of the case. It would be open for the petitioners to claim entitlement to service protection and it would be open for the concerned authorities to consider the contentions of the petitioners in the light of submissions made before the appointing authority in reply to the notices issued to each of the petitioners. The appointing authority as well as State Government would be entitled to take appropriate decision in the matter in the light of the facts and submissions of the petitioners.*

::-11-: O.A. NOS. 108 & 109 BOTH OF 2020

21. *In view of the reasons recorded above, we do not find the petitions presented by the petitioners deserve consideration.*

22. *Writ Petitions are, as such, dismissed.”*

9. Thereafter the Additional Collector, Beed issued the order dtd. 6.9.2017 and cancelled the nominations in favour of 109 nominees and directed the appointing authority to forward the original nominations to the office of the District Collector. The applicants and others challenged the said decision before this Tribunal by filing O.A. no. 670/2017 and ors. and this Tribunal granted interim relief in favour of these applicants by order dtd. 13.9.2017. But on 12.1.2018 this Tribunal vacated the said interim relief. Those applicants approached the Hon'ble High Court by filing writ petition, which was also dismissed. Thereafter they approached to the Hon'ble Supreme Court against the said order of Hon'ble High Court, but the said S.L.P. was also dismissed.

10. Thereafter this Tribunal has decided O.A. no. 659/2017 and group finally on merit finally and dismissed the said O.As. on 25.4.2018.

::-12-: O.A. NOS. 108 & 109 BOTH OF 2020

Those applicants challenged the said order before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad by filing writ petition no. 3416/2019 and the Hon'ble High Court passed the order on 12.3.2019 thereby directed that no coercive action shall be taken against the applicants. Thereafter the Hon'ble High Court pleased to dismiss the said writ petition with following observations :-

*“in case, the show cause notices are issued to petitioners, petitioners will have every right to agitate all the grounds available to them in the reply, which naturally is required to be considered by the Appointing Authority on its own merits and thereafter, the decision has to be taken. Suffice is to serve that, the respondents would not take any decision terminating the services of petitioners without issuing notices to petitioners, without for their explanation and taking decisions considering the explanation given as may be permissible under law. The petitioners will have every right to agitate each and every ground available to them.”*

11. Thereafter show cause notices have been issued to the applicants and after giving them an opportunity of hearing the impugned orders have been passed.

12. So far as applicants in O.A. no. 109/2020 are concerned, it reveals from the record that the applicants therein are not yet regularized by the Government and therefore question regarding following the provisions of M.C.S. Rules does not arise in their cases.

13. On going through the above said sequence of facts, it reveals that, the principles of natural justice have been followed by the respondents while issuing the impugned orders. Not only this, but an opportunity of hearing was also given to the applicants before passing the impugned orders. The respondent no. 2 issued show cause notices to the applicants to which they have filed their reply and after considering their reply the impugned orders have been passed by the respondents. Prima-facie, it reveals that the nomination issued by the freedom fighters in favour of the applicants had been cancelled and it was upheld by the Hon'ble Supreme Court and the benefits given to the legal heirs / representatives have not been extended to them. Hon'ble Supreme Court has given relief to the freedom fighters to the extent of financial



::-14-:: O.A. NOS. 108 & 109 BOTH OF 2020

benefits during their life time and also made it clear that the said benefits would not be extended to their legal heirs / representatives. Since the sanmanpatra as freedom fighter of Hyderabad Mukti Sangram issued in favour of the persons had been cancelled, their nominees / applicants have no right to claim the benefit as nominees of freedom fighters. Therefore, the respondent no. 2 has rightly terminated the services of the applicants. Prima-facie, I find no illegality in the impugned orders. The termination orders dtd. 23.1.2020, 24.1.2020 & 25.1.2020 issued by the respondent no. 2 had been served on the applicants. Their acknowledgements had been obtained by the respondents. They had been relieved from the service with immediate effect i.e. from the date of the said orders. They are not in service as on today and therefore, no question of protecting their services by granting interim relief arises.

14. Therefore, in my view, it is not a fit case to grant interim relief in favour of the applicants in both the cases. Therefore, the prayer of the applicants to grant interim relief is rejected.

::-15-:: O.A. NOS. 108 & 109 BOTH OF 2020

15. Issue notice to respondents in both the matters, returnable on 27.3.2020.

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

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

18. 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.

19. 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.

::-16-: O.A. NOS. 108 & 109 BOTH OF 2020

Applicants are directed to file affidavit of compliance and notice.

20. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

21. S.O. to 27.3.2020.

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

**ACTING CHAIRMAN**

**C.P. 50/2019 INO.A. 242/2017**  
**(Mohan R. Chaudhari Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Presenting Officer has filed affidavit in reply of respondent no. 1 in the present C.P. It is taken on record and copy thereof has been supplied to other side. As the respondent no. 1 has filed affidavit in reply, it is not necessary to await service of notice on respondent no. 1.

3. In the circumstances, S.O. to 15.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**C.P. 51/2019 IN O.A. 648/2017  
(Bhaskar S. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer has filed affidavit in reply of respondent no. 1 in the present C.P. It is taken on record and copy thereof has been supplied to other side. As the respondent no. 1 has filed affidavit in reply, it is not necessary to await service of notice on respondent no. 1.

3. In the circumstances, S.O. to 15.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**C.P. 52/2019 INO.A. 878/2016**  
**(Nitinkumar T. Adhe Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer has filed affidavit in reply of respondent no. 1 in the present C.P. It is taken on record and copy thereof has been supplied to other side. As the respondent no. 1 has filed affidavit in reply, it is not necessary to await service of notice on respondent no. 1.

3. In the circumstances, S.O. to 15.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**O.A. NO. 931/2016 WITH O.A. NO. 930/2016  
(Chudaman D. Pawar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri Shrikant Patil, learned Advocate for the applicants in both the cases and Shri D.R. Patil, learned Presenting Officer for the Respondents in both the cases.

2. At the request and by consent of both the sides, S.O. to 13.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 12/2018**  
**(Khandu T. Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Shri P.R. Kadam, learned Advocate for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 13.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020



**ORIGINAL APPLICATION NO. 28/2018**  
**(Shashank B. Kamble Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Shri Ganesh J. Kore, learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Mahendra Kochar, learned Advocate for respondent nos. 3 to 5, are present.

2. In view of absence of applicant and his learned Advocate, S.O. to 13.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**O.A. NO. 800/2018 WITH O.A. NO. 903/2018  
(Dr. Kirankumar L. Bondar & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Shri V.M. Chate, learned Advocate for the applicants in both the cases (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondents in both the cases, is present.

2. In view of absence of learned Advocate for the applicants, S.O. to 15.4.2020 for filing rejoinder affidavit, if any.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 397/2019  
(Shilpa J. Ingle Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time to file sur-rejoinder, if any, of the concerned respondents to the rejoinder affidavit filed by the applicant. Time granted.
3. In the circumstances, S.O. to 26.3.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 811/2019**  
**(Bhaushan D. Kagane Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Presenting Officer has filed affidavit in reply of respondent nos. 1 to 3 in the present O.A. It is taken on record and copy thereof has been supplied to other side. As the respondent nos. 1 to 3 have filed affidavit in reply, it is not necessary to await service of notice on respondent no. 2.

3. In the circumstances, S.O. to 8.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 946/2019**  
**(Dr. Subhash P. Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 3 and Shri V.R. Sonwalkar, learned Advocate for respondent nos. 4 & 5.

2. Learned Presenting Officer for respondent nos. 1 to 3 as well as learned Advocate for respondent nos. 4 & 5 seek time to file affidavit in replies of respective respondents. Time granted.

3. In the circumstances, S.O. to 8.4.2020.

**ACTING CHAIRMAN**

**ORIGINAL APPLICATION NO. 951/2019**  
**(Shankar V. Bansode Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri D.R. Irale Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 3. None appears for respondent no. 4.

2. Learned Advocate for the applicant has filed rejoinder affidavit of the applicant to the affidavit in reply of respondent nos. 1 & 2. It is taken on record and copy thereof has been supplied to other side.

3. So also the learned Presenting Officer has filed affidavit in reply of respondent no. 3 in the present O.A. It is taken on record and copy thereof has been supplied to other side.

4. In the circumstances, S.O. to 1.4.2020.

**ACTING CHAIRMAN**

**ORIGINAL APPLICATION NO. 1085/2019**  
**(Bhaskar M. Taske Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time to file affidavit in reply of the respondents. Time granted.
3. In the circumstances, S.O. to 15.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 2/2020  
(Prakash P. More Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Shri M.R. Wagh, learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. Learned Presenting Officer has filed affidavit in reply of respondent nos. 1 to 4 in the present O.A. It is taken on record. He undertook to supply copy of affidavit in reply of respondent nos. 1 to 4 to the other side.

3. In the circumstances, S.O. to 15.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020



**ORIGINAL APPLICATION NO. 21/2020**  
**(Dnyanoba S. Kale Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time to file affidavit in reply of the respondents. Time granted.
3. In the circumstances, S.O. to 16.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

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

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time to file affidavit in reply of respondent nos. 1 to 4. Time granted.

3. In the circumstances, S.O. to 16.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

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

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time to file affidavit in reply of respondent nos. 1 & 2. Time granted.

3. In the circumstances, S.O. to 23.3.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**M.A. 295/2019 IN O.A. ST. 993/2019**  
**(Miss. Vaishali d/o Shantilal Sanap @ Mrs. Vaishali w/o Ashok Nagargoje Vs.**  
**State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time to file affidavit in reply of respondents in the present M.A. Time granted.

3. In the circumstances, S.O. to 15.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**M.A. 449/2019 IN O.A. ST. 1490/2019  
(Sunil M. Lagad Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri R.R. Dhaykar, learned Advocate holding for Shri A.P. Sonpethkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply of respondent nos. 1 to 4 in the present M.A. Time granted.

3. In the circumstances, S.O. to 9.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**M.A. 614/2019 IN O.A. ST. 2365/2019**  
**(Hanuman P. Jarare Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

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

2. Learned Presenting Officer has filed affidavit in reply of respondent no. 3 in the present M.A. It is taken on record and copy thereof has been supplied to other side.

3. In the circumstances, S.O. to 16.4.2020 for filing rejoinder affidavit, if any.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**M.A. 29/2020 IN O.A. ST. 2219/2019**  
**(Sharad D. Kendre & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**ORAL ORDER :**

Heard Shri A.A. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply of respondent nos. 1 to 3 in the present M.A. Time granted.

3. In the circumstances, S.O. to 15.4.2020.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020

**ORIGINAL APPLICATION NO. 922/2017**  
**(Pandurang R. Chinchale Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, ACTING CHAIRMAN**

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

**DATE : 28.02.2020**

**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 & 4 and Shri D.T. Devane, learned Advocate for respondent nos. 2 & 3.

2. Since the Division Bench is not available, S.O. to 20.3.2020 for final hearing.

**ACTING CHAIRMAN**

ARJ ORAL ORDERS 28.02.2020