

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

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate holding for Shri A.A. Khande, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

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

3. S.O. to 29.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 469 OF 2021
(Dhondiba M. Zade Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 4. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

4. S.O. to 15.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 494 OF 2021
(Dr. Dhananjay K. Sawant Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

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

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

3. S.O. to 29.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 501 OF 2021
(Anita D. Damodar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. S.O. to 16.11.2021.

MEMBER (J)

**O.A. Nos. 86/2019, 118/2019, 278/2019, 421/2019,
392/2020, 394/2020, 395/2020 & 398/2020
(Bhimrao S. Pawar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicants in all these O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all these O.As.

2. Learned Presenting Officer for the respondents is directed to seek instructions as to whether any steps are taken for obtaining stay in the matter, positively.

3. S.O. to 17.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 263 OF 2020
(Ravindra M. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 20.10.2021 for final hearing

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MEMBER (J)

ORIGINAL APPLICATION NO. 858 OF 2018
(Sudhakar D. Patil Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 60 OF 2020
(Sangita S. Patil @ A.M. Chaudhari Vs. State of Maha. & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate holding for Shri J.B. Choudhari, learned Advocate for the applicants in both the O.As. and Shri B.S. Deokar, learned Presenting Officer for the respondents in both the O.As.

2. At the request and by consent of both the sides, S.O. to 17.11.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 256 OF 2021
(Priya A. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

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

2. During the course arguments, it transpires that in order to appreciate contentions raised by both the sides in the present matter, G.R. dated 11.01.2018 referred to in the impugned transfer order / communication dated 01.06.2021 (Annexure A-5) is required to be considered.

3. In view of the above, learned Presenting Officer is directed to produce on record the said G.R. dated 11.01.2018 on the next date of hearing.

4. S.O. to 04.10.2021.

5. The present matter is to be treated as part heard.

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 : 30.09.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 05.10.2021 for hearing.

MEMBER (J)

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

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri K.M.Nagarkar, learned Advocate for the Applicant and Shri N.U.Yadav, learned Presenting Officer for the Respondents.

2. In compliance of the order of Tribunal dated 28-09-2021 Shri Abhijit Madanlal Nitnaware, Assistant Engineer Grade-I from the office of Deputy Executive Engineer, Latur Irrigation Division No.1, Latur has appeared. Learned P.O. has submitted letter dated 29-09-2021 from said officer stating reasons for delay in filing the affidavit in reply and seeking 4 weeks' time. Time is granted.

3. S.O. to 28-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.682/2019
(Vishal Aadmane Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri Santosh B. Bhosle, learned Advocate for the Applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the applicant and the learned C.P.O. have completed their arguments.

3. Learned Advocate for the applicant has submitted brief notes of arguments and case laws.

4. A week's time is granted to the learned CPO to submit brief written notes of arguments, if necessary, and case laws.

5. Case is reserved for order.

MEMBER (A)

ORIGINAL APPLICATION NO.30/2021
(Kedarnath Budhwant Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

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

2. Shri R.N.Bharaswadkar learned Advocate states that he is appearing on behalf of respondent nos.1 and 2 being panel Advocate of the department.

3. Learned P.O. has presented a letter from Administrative Officer, Agriculture Commissioner dated 29-09-2021 seeking a week's adjournment for filing reply on the ground that during the COVID-19 pandemic period they could not attend to the legal issues for shortage of time. Time is granted.

4. S.O. to 26-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.156/2021
(Jayshree Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri P.R.Tandale learned Advocate holding for Shri S.D.Dhongde, learned Advocate for the Applicant and Shri B.S.Deokar, learned Presenting Officer for the Respondents.

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

3. If further extension of time is sought for filing reply then respondent no.3 should personally attend the Tribunal and explain the reasons for not filing the reply.

4. S.O. to 21-10-2021.

MEMBER (A)

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

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

DATE : 30.09.2021

ORAL ORDER :

Heard Ku. Preeti Wankhade learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the Applicant and Smt. M.S.Patni, learned Presenting Officer for the Respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 28-10-2021 for filing affidavit in rejoinder, if necessary.

MEMBER (A)

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

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

DATE : 30.09.2021

ORAL ORDER :

Heard Ku. Preeti Wankhade learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the Applicant and Smt. M.S.Patni, learned Presenting Officer for the Respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof has been served on the other side.

3. Both sides have been advised to present a copy of Police Gazette referred to in Annexure A-7 (paper book page 62-66) mentioned in paragraph 3 of order in O.A.No.293/2017 dated 27-09-2019

4. S.O. to 28-10-2021 for filing affidavit in rejoinder, if necessary.

MEMBER (A)

ORIGINAL APPLICATION NO.406/2021
(Sajed Siddiqui Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Ku. Preeti Wankhade learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the Applicant and Shri V.R.Bhumkar, learned Presenting Officer for the Respondents.

2. Affidavit in reply has already been filed and rejoinder is awaited. Learned Advocate for the applicant seeks time for filing affidavit in rejoinder.

3. It has been brought to the notice of learned Advocate for the applicant that Home Department G.R. dated 23-04-2010 in one way is being challenged for inconsistency with the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. However, same is not mentioned in the prayer clauses. This aspect may be considered by the applicant.

3. S.O. to 27-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.484/2021
(Shrikant Ubale Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Advocate for the Applicant and Shri N.U.Yadav, 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 22-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.546/2021
(Dipak Rohakale Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri S.D.Joshi, learned Advocate for the Applicant and Shri V.R.Bhumkar, learned Chief Presenting Officer for the Respondents.

2. Reliever of the applicant has already taken over charge of the post. The applicant has been transferred Shrigonda. On the face of record submitted by the learned P.O. along with forwarding letter of Shri Shridhar Dube-Patil, Joint Secretary, Mantralaya, Mumbai dated 29-09-2021, it appears that transfer of the applicant was not recommended by the Civil Services Board which prima facie appears to be in violation of the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. Therefore, matter needs early adjudication.

3. Learned P.O. assures that he will submit affidavit in reply by taking follow up of the respondents. Time is granted to file reply.

4. S.O. to 08-10-2021.

MEMBER (A)

M.A.NO.305/2020 IN O.A.ST.NO.1228/2020
(Dilipkumar Patil Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri Shivraj V. Deshmukh, learned Advocate for the Applicant and Smt. M.S.Patni, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 18-10-2021.

MEMBER (A)

YUK ORAL ORDERS 30.09.2021

ORIGINAL APPLICATION NO.513/2019
(Yousufuddin Qamruddin Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Smt. A.N.Ansari, learned Advocate for the Applicant and Shri S.K.Shirse, learned Presenting Officer for the Respondents.

2. Learned P.O. prays for time for arguing the matter finally. Time is granted.
3. S.O. to 11-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.514/2019
(Sanjay Nagamwad Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Smt. A.N.Ansari, learned Advocate for the Applicant and Shri V.R.Bhumkar, learned Presenting Officer for the Respondents.

2. Learned P.O. prays for time for arguing the matter finally. Time is granted.
3. S.O. to 11-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.265/2017
(Dr. Suresh Karamunge Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri I.D.Maniyar, learned Advocate for the Applicant, Shri B.S.Deokar, learned Presenting Officer for the Respondent nos.1 to 3 and Shri P.R.Tandale learned Advocate for respondent no.4.

2. Learned P.O. prays for time for arguing the matter finally. Time is granted.

3. S.O. to 04-10-2021.

MEMBER (A)

**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 : 30.09.2021

ORAL ORDER :

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

2. The record shows that pleadings are complete.
3. The present O.A. is filed by the applicants praying to issue appropriate order or direction, clause 1 of Government Resolution dated 28.06.2019, restricting facility of special written examination only to the appointees appointed prior to 15.04.2015 may kindly be quashed and set aside and the respondents may kindly be directed to extend said benefit i.e. holding of special written examination for the purpose of regularization of services of the bonded nurses, to the applicants who are appointed after 15.04.2015 and ancillary reliefs.
4. The present O.A. is admitted and fixed for final hearing.
5. S.O. to 12.10.2021.

MEMBER (A)

MEMBER (J)

M.A.NO. 178/2021 IN O.A.ST.NO. 717/2021
(Sumit G. Dongre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

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

2. Learned Advocate for the applicants has filed copies of mark-sheets & degree certificates of all the applicants and the same are taken on record and marked as document 'X' collectively for the purpose of identification.

3. By this Miscellaneous Application the applicants are seeking permission to sue the respondents jointly contending that the cause of action for them is similar and they are seeking similar relief. It is the contention of the applicants that they are holding requisite qualification of B.Com in Statistics being one of the subjects in the degree course of B.Com. To substantiate the same the applicants have produced on record the copies of their respective mark-sheets and degree certificates. Perusal of the same would show that Statistics may be in the form of Business Mathematics & Statistics, Mathematics & Statistics & Business Statistics was one of the subjects in their B.Com course. The respondents have raised the objection about

**:: - 2 - :: M.A.NO. 178/2021 IN
O.A.ST.NO. 717/2021**

their educational qualification for the post of Statistical Investigator for which they applied. That can be considered on merits.

4. In the circumstances, as above, as the applicants are seeking similar relief in the similar facts and circumstances in order to avoid multiplicity, it would be just and proper to allow this Miscellaneous Application. The applicants are allowed to sue the respondents jointly. Accompanying O.A. be registered and numbered, after removal of office objections, if any.

5. Accordingly, the present Miscellaneous Application is disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 717 OF 2021
(Sumit G. Dongre & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 25.11.2021.

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

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

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

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

:: - 2 - :: O.A. ST. NO. 717 OF 2021

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

7. S.O. to 25.11.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 30.9.2021-HDD

**M.A.NO. 145/2021 IN O.A.ST.NO. 494/2021
(Sitaram K. Zodage Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 24.11.2021 for filing affidavit in reply.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 30.9.2021-HDD

**M.A.NO. 146/2021 IN O.A.ST.NO. 506/2021
(Sunil Dinkar Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri A.S. Khedkar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1, 2 & 5. Shri Shamsundar B. Patil, learned Advocate for respondent Nos. 3 & 4 (**absent**).

2. At the request of learned Presenting Officer, S.O. to 24.11.2021 for filing affidavit in reply.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 30.9.2021-HDD

**ORIGINAL APPLICATION NO. 472 OF 2021
(Dr. Rahul R. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

Shri B.R. Kedar, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, present.

2. At the request of learned Presenting Officer, S.O. to 25.11.2021 for filing affidavit in reply.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 338 OF 2021
(Madhukar L. Dodake Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

Shri B.R. Kedar, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, present.

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

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of other respondents. Time granted.

4. S.O. to 25.11.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 298 OF 2021
(Ramesh G. Devkhile & Anr. Vs. State of Maha. & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 27.10.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 274 OF 2021
(Rajesh M. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri Dayanand B. Bhangre, 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 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 24.11.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 275 OF 2021
(Parmeshwar P. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 24.11.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 276 OF 2021
(Akshay V. Thorat Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri Dayanand B. Bhangre, 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 on behalf of respondent No. 2 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 24.11.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

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

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri Prasad D. Jarare, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Record shows that the present case is fixed today for filing rejoinder affidavit by the applicant. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

3. The present case is pertaining to promotion. It is admitted and fixed for final hearing on 23.11.2021.

MEMBER (A)

MEMBER (J)

**REV. 7/19 IN M.A.530/19 IN OA ST. 2098/19
(Bharat G. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

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

2. Learned Presenting Officer submitted that the affidavit in reply of the respondents is not necessary as the applicant is seeking review. In view of the same, the present case is fixed for hearing.

3. S.O. to 25.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 30.9.2021-HDD

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

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri Ramesh I. Wakade, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23.11.2021 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.217 OF 2021
(Sunil T. Apte Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri Sudhir R. Barlinge, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Pleadings are complete. The matter is pertaining to voluntary retirement. It is admitted and fixed for final hearing on 14.10.2021.

3. S.O. to 14.10.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.530 OF 2021
(Priya R. Awhad Vs. State of Maharashtra & Ors.)**

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

DATE : 30.09.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that as per order dated 23.09.2021 passed in Writ Petition No.10574/2021 filed before the Hon'ble High Court bench at Aurangabad, the respondents have allowed the applicant to upload her form for main examination. The main examination is to be held on 30.10.2021. The Hon'ble High Court while deciding the said Writ Petition has been pleased to observe as follows:-

“8. The respondents may allow the petitioner to upload the form. However, the same shall be subject to the decision by the Tribunal in the Original Application. The petitioner shall not be entitled to appear for the exam without further orders of the Tribunal. The Tribunal may endeavour to decide the Original Application before 30.10.2021.”

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O.A.530/2021

3. In the circumstances, the matter is now fixed on 08.10.2021 for filing affidavit-in-reply by the respondents.

4. S.O. to 08.10.2021.

MEMBER (A)

MEMBER (J)

M.A.NO.308 OF 2021 IN O.A.NO.492 OF 2021
(Ganesh K. Chate & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 11.10.2021.

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

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

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

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**M.A.308/2021 IN
O.A.492/21**

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. Learned C.P.O. for the respondents submits that on the returnable date, he will file affidavit-in-reply in O.A. considering the urgency.
8. S.O. to 11.10.2021.
9. Steno copy and Hamdast is allowed to both parties.
10. The present matter is placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.374 OF 2018
(Girish B. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 23.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.190 OF 2017
(Dattatraya J. Zambade Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 21.10.2021.

MEMBER (A)

MEMBER (J)

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

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

DATE : 30.09.2021

ORAL ORDER :

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

2. By consent of parties, S.O. to 20.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.613 OF 2018
(Sonelben 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 : 30.09.2021

ORAL ORDER :

Heard Shri Nitin S. Kadarale, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent nos.1 to 3 and Shri Avinash S. Deshmukh, learned Advocate for the respondent no.4.

2. Learned Advocate for the applicant has produced the copy of farad sheet dated 10.03.2021 when the matter was before the Hon'ble principal bench at Mumbai. It is taken on record and marked as document 'X' for the purpose of identification. As per the said order, the learned C.P.O. was directed to inform whether any post is vacant.

3. Learned C.P.O. for the respondents submits that he would take instructions and make statement to that effect on the next date.

4. Learned Advocate for the applicant has also produced the copy of order dated 12.02.2021 passed by Hon'ble principal bench of this Tribunal in group matters including the Original Application No.613/2018. It is also taken on record and marked as document 'X-1' for the purpose of identification.

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O.A.613/2018

5. Learned Advocate for the applicant has further produced synopsis of arguments together with the copy of citations. It is also taken on record and marked as document 'X-2' collectively for the purpose of identification. The copy of the same has been served on the other side.

6. By consent of parties, S.O. to 20.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.1102 OF 2019
(Rajendra L. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri Sujeet D. Joshi, learned Advocate for the respondent Nos.8 & 9. Shri V.G. Pingle, learned Advocate for the respondent Nos.4 to 6 is **absent**. None present on behalf of the respondent No.7, though duly served.

2. The present matter be treated as part heard.
3. S.O. to 7.10.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.293 OF 2021 IN M.A.NO.233 OF 2021 IN
O.A. NO. 722 OF19
(Ramakant N. Sadawarte Vs. State of Maharashtra & Ors.)**

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

DATE : 30.9.2021.

ORAL ORDER :

Heard Shri R.N. Chavan, learned Advocate the applicant in M.A.No.293/2021, Shri V.B. Wagh, learned Advocate for the applicants in the M.A. No. 233/2021, Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicants in the present O.A. (respondent Nos. 5 to 9 in the M.A. No. 233/2021), Shri M.S. Mahajan, learned Chief presenting Officer for respondent Nos. 1 to 3, Shri M.B. Kolpe, learned Advocate for respondent No. 4, Shri A.S. Deshmukh, learned Advocate for the Respondent Nos. 5, 6, 71, 87, 150, 198, 211, 229, 369, 489, 511, 528, 625, 628 & 629 in O.A., Shri G.K. Kshirsagar, learned Advocate for the Respondent Nos. 221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627 in O.A., Shri G.M. Ghongade, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Respondent Nos.15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554 in O.A. and Shri Ajay U. Chandel, learned Advocate holding for Shri Sandeep Dere, learned Advocate for Respondent Nos. 142, 248, 412, 20, 22, 23, 30, 33, 36, 58, 60, 75, 78, 79, 84, 90, 92, 94, 109, 111, 115, 117, 121,

//2// M.A.293/2021 In
M.A.233/2021 In
O.A.722/2019

123, 126, 130, 132, 133, 158, 162, 171, 173, 177, 178, 180, 189, 196, 200, 205, 209, 210, 213, 216, 218, 226, 240, 255, 258, 260, 267, 271, 272, 594, 277, 279, 298, 303, 309, 315, 320, 326, 339, 343, 349, 351, 359, 372, 377, 382, 390, 391, 400, 402, 407, 411, 415, 417, 422, 426, 428, 436, 442, 450, 451, 453, 325, 456, 458, 467, 475, 477, 478, 479, 488, 491, 500, 502, 512, 514, 517, 533, 535, 536, 541, 545, 550, 367, 560, 563, 565, 568, 569, 596, 603, 618, 619, 624, 626, 630, 634, 636 & 638 and Shri Ashish Rajkar, learned Advocate for the respondent Nos. 105, 317, 443 & 458 in O.A.

2. Affidavit-in-reply filed on behalf of the respondent nos.15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554 in O.A.No.722/2019 is taken on record and copy thereof has been served on the other side.

3. As the pleadings are complete, S.O. to 12.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 576/2021
(Atmaram M. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 30.09.2021

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 present Original application is filed by the applicant challenging mainly the order dated 23.8.2021 (Annex. A-7) issued by the respondent no. 3, thereby ordering recovery of excess payment of Rs. 6,98,331/- made to the applicant towards the benefit of one step promotion granted to him w.e.f. 31.5.2011 on which date the applicant was granted the benefit of Assured Career Progression Scheme (for short A.C.P. scheme). The applicant has also challenged the order dated 12.12.2019 (Annex. A-5) issued by the respondent no. 2, whereby the applicant was granted the benefit of A.C.P. scheme. In the oral arguments, the learned Advocate for the applicant submitted that the applicant is challenging only clause nos. 6 & 7 of the said order dated 12.12.2019 (Annex. A-5), whereby the recovery of excess payment of benefit of one step promotion is also ordered. The applicant has further

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O.A. NO. 576/2021

challenged the order dated 15.7.2021 (Annex. A-6) issued by the respondent no. 3, whereby recovery of excess amount towards benefit of one step promotion is contemplated.

3. The applicant was initially appointed on the post of Tracer before 1998. Presently he is working under the respondent no. 3 at Taloda Sub Division in Nandurbar District on the same post. The applicant is working in a tribal / naxalite area of Nandurbar since 11.6.2010. In view thereof, by the order dated 18.4.2007 he was granted the benefit of one step promotion as declared by the Government vide G.R. dated 6.8.2002. The applicant crossed the age of 45 years on 31.5.2011 and therefore as per the order dated 31.10.2014 (Annex. A-4) he was granted exemption from passing the departmental examination. Thereafter, the respondent no. 2 issued the order dated 12.12.2019 (Annex. A-5) thereby granted the benefit of A.C.P. scheme to the applicant w.e.f. 31.5.2011. It was also notified thereby that if the applicant is taking the benefit of one step promotion that will be withdrawn w.e.f. 31.5.2011. Pursuant to the said order dated 12.12.2019 (Annex.

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O.A. NO. 576/2021

A-5) issued by the respondent no. 2 and as per the objection taken by the Pay Verification Unit, Nashik, the respondent 3 issued the order dated 15.7.2021 (Annex. A-6) for re-fixing the pay scale of the applicant w.e.f. 1.1.1996 till 1.7.2021. In the said re-fixation it is directed that the excess payment, if any, made to the applicant will be recovered from him and also the benefit of higher pay scale as per one step promotion scheme is stopped. In these circumstances, the respondent no. 3 ultimately issued the order dated 23.8.2021 (Annex. A-7) thereby directed to recover an amount of Rs. 6,98,331/- from the applicant towards the excess payment made to him during the period from 31.5.2011 till the date of re-fixation i.e. till 15.7.2021.

4. In view of above, the learned Advocate for the applicant submitted that the applicant belongs to Group-C category, the order of recovery is issued due to wrong pay fixation at the instance of the respondents and not on any misrepresentation or fraud committed by the applicant. In view of the same, according to him, the applicant is entitled for order of stay to the impugned recovery in view of the

law laid down by the Hon'ble Supreme Court in **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. As against that, the learned Presenting Officer for the respondents has submitted that the applicant was put to a notice about stopping of the benefit of higher pay scale under one step promotion scheme from the date of grant of benefit of A.C.P. scheme and, as such, the impugned order of recovery cannot be said to be passed arbitrarily and, as such, this is not a fit case to grant interim stay. He seeks time for filing affidavit in reply of the respondents.

6. From the facts as above, it is evident that vide order dated 12.12.2019 (Annex. A-5) passed by the respondent no. 2 the applicant was made aware that he would not be entitled for benefit of higher pay scale due to one step promotion granted to him from the date on which he has been granted the benefit of A.C.P. scheme. The benefit of A.C.P. scheme as per the said order was granted to the applicant w.e.f. 31.5.2011. In view of the same, in the pay fixation

order dated 15.7.2021 there is mention of recovery of excess amount paid to the applicant and subsequently the impugned order came to be passed on 23.8.2021 (Annex. A-7) quantifying the recovery of an amount of Rs. 6,98,331/-. The excess amount paid to the applicant is ordered to be recovered in 34 installments of which first installment will be of Rs. 20,544/- and remaining 33 equal installments of Rs. 20,539/-.

7. Considering the above-said facts on record, it is true that the applicant belongs to Group-C category and in certain circumstances and more particularly in terms of clauses (i), (ii) & (iii) of para 12 of judgment of Hon'ble Supreme Court in the case of **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.** (supra), the recovery from Group-C & D employee is impermissible. In the present case, the period of recovery is 31.5.2011 to 15.7.2021 i.e. from the date of granting of benefit of A.C.P. scheme to the applicant till the date of order of recovery dated 15.7.2021 (Annex. A-6). However, it is a fact that as per the order dated 12.12.2019 (Annex. A-5) issued by the respondent no. 2, the applicant was made aware that

once he gets the benefit of A.C.P. scheme, he would not be entitled for the benefit of higher pay scale of one step promotion.

8. In the above circumstances, in my opinion, the interim stay can be granted to the recovery of excess amount falling during the period from 31.5.2011 to 31.12.2019 only. It is ordered accordingly till filing of affidavit in reply by the respondents.

9. Issue notices to respondents, returnable on 29.10.2021.

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

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O.A. NO. 576/2021

(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 29.10.2021.

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

MEMBER (J)

Date : 30.9.2021

O.A. 598/2021

(Bramhdev M. Latpate V/s State of Maharashtra & Ors.)

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

1. Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 30.10.2021. The case be listed for admission hearing on 30.10.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR