

M.A.ST.625/2020 IN O.A.NO. 1100/2019
(Smt. Pallavi V. Ligade & Ors. Vs. State of Maharashtra
& Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 03.08.2020

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 8 and Shri K.G. Salunke holding for Shri S.S. Tope, learned Advocate for respondent Nos. 11 & 14. None appears for the other respondents.

2. Learned Advocate for the applicants seeks time to remove the office objection/s raised by the office of this Tribunal in M.A. St. No. 625/2020. Two weeks' time is granted.

3. Issue notice to respondents in M.A. St. No. 625/2020, returnable on 17.08.2020.

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

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

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

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

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

8. 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.

9. In the meanwhile respondent Nos. 1 to 7 should maintain status quo so far as the promotions on the post of Tahsildar from the cadre of Naib Tahsildars, who are appointed after September, 2012.

10. S.O. to 17.08.2020.

11. Steno copy and Hamdast is allowed to both the parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1100 OF 2019
(Smt. Pallavi V. Ligade & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 03.08.2020

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 8 and Shri K.G. Salunke holding for Shri S.S. Tope, learned Advocate for respondent Nos. 12 & 15. None appears for the other respondents.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent No. 8 and the same is taken on record and copy thereof has been served on the other sides.

3. S.O. to 17.08.2020.

VICE CHAIRMAN

ORAL ORDERS 03.08.2020-HDD

**ORIGINAL APPLICATION NO. 225 OF 2020
(Subhash M. Rathod Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.08.2020

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 14.09.2020.

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.

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 14.09.2020.

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

VICE CHAIRMAN

ORAL ORDERS 03.08.2020-HDD

ORIGINAL APPLICATION NO. 63 OF 2020
(Shri Ganesh V. Polas V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.08.2020.

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, 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 07.09.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 03.08.2020

ORIGINAL APPLICATION NO. 434 OF 2019
(Shri Namdeo S. Dhone V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.08.2020.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 07.09.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 03.08.2020

ORIGINAL APPLICATION NO. 214 OF 2020
(Shri Ajinath A. Bangar V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.08.2020.

ORAL ORDER :

Heard Shri J.S. Deshmukh, 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 14.09.2020.

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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O.A. No. 214/2020

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 14.09.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 03.08.2020

ORIGINAL APPLICATION NO. 71 OF 2020
(Shri Bharatsing V. Patil V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.08.2020.

ORAL ORDER :

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

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

3. S.O. to 14.09.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 03.08.2020

ORIGINAL APPLICATION NO. 185 OF 2020
(Shri Baliram B. Mahale V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.08.2020.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, 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 14.09.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 03.08.2020

ORIGINAL APPLICATION ST. NO. 621 OF 2020
(Shri Shivkumar A. Pohal V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.08.2020.

ORAL ORDER :

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

2. The applicant is directed to remove the office objections first and then ask for circulation.

3. In view of this, the present O.A. is removed from the board.

VICE CHAIRMAN

KPB/ORAL ORDERS 03.08.2020

ORIGINAL APPLICATION NO. 211 OF 2018
(Shri Dilip Kishanrao Mankeshwar V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 03.08.2020.

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 and 3. Shri Shamsunder B. Patil, learned Advocate for respondent No. 2 (**Absent**).

2. Learned Advocate for the applicant, as well as, learned Chief Presenting Officer for respondent Nos. 1 & 3 have submitted that the respondent No. 3 may be directed to verify the pay fixation of the applicant done by the respondent No. 2 in view of the G.R. dated 27.11.2019 within a reasonable time and thereafter, the respondent No. 2 may be directed to take necessary decision thereon regarding recovery amount claimed by the applicant within a reasonable time. They have submitted that with the above said direction the present O.A. may be disposed of.

3. In view of the submissions advanced by the learned Advocate for the applicant and learned Chief Presenting Officer for respondent Nos. 1 and 3, the O.A. is disposed of with a direction to the respondent No. 3 to verify the correctness of the pay fixation of the

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O.A. No. 211/2018

applicant done by the respondent No. 2 in view of the G.R. dated 27.11.2019 within a period of two weeks from the date of this order and thereafter the respondent No. 2 has to take appropriate decision regarding excess amount to be recovered from the applicant within a period of two weeks. There shall be no order as to costs.

VICE CHAIRMAN

KPB/ORAL ORDERS 03.08.2020

M.A. ST. 622/2020 IN O.A. ST. 623/2020

(Dr. Pratap H. Salve & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 3.8.2020

ORAL ORDER :

Heard Shri Ashwin V. Sakolkar, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

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

3. Learned Advocate for the applicants has submitted that the applicant nos. 5 to 15 does not want to proceed with the present M.A. & accompanying O.A. as they intend to file separate O.As. Therefore he sought leave of the Tribunal to delete the names of applicant nos. 5 to 15 by amending the present M.A. & accompanying O.A.

4. In view of the submissions of the learned Advocate for the applicants leave to amend the M.A. & the accompanying O.A. is granted. Present M.A. & accompanying O.A. be amended forthwith.

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M.A. ST. 622/2020 IN O.A. ST. 623/2020

5. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicant nos. 1 to 4 have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 3.8.2020

O.A. ST. 623/2020

(Dr. Pratap H. Salve & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 3.8.2020

ORAL ORDER :

Heard Shri Ashwin V. Sakolkar, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The applicants are challenging the validity of the Maharashtra Medical and Health Services (Class I) Recruitment Rules, 1981. Prima-facie, it reveals that the applicants have not filed the O.A. within prescribed period of limitation in view of Section 21 of the Administrative Tribunals Act, 1985. Therefore the relief sought in that regard is time barred.

3. The applicants are also challenging the communication dated 18.2.2020 by which the Chief Administrative Officer, Directorate of Health Services, Mumbai granted permission to consider the cases of the candidates who are holding M.B.B.S. degree for promotion on the post of Civil Surgeon. The applicants raised grievance in respect of the said communication dated 18.2.2020 by filing representations dated

16.6.2020. The said representations are pending with the respondents. In view of the provisions of section 20 of the Administrative Tribunal Act, 1985, the representations made by the applicants have to be decided within the period of 6 months. The said statutory period for deciding the representations has not been expired. On expiry of that period the applicants have to approach the Tribunal within the prescribed period of limitation in view of Section 20 (2) (b) of the Administrative Tribunals Act, 1985. Before expiry of statutory period mentioned in section 20(2)(b) of the Administrative Tribunals Act, 1985 the O.A. cannot be admitted. The O.A. filed by the applicants in that regard is premature. Therefore the O.A. is not maintainable. Consequently it deserves to be rejected.

4. In view of above, the O.A. is rejected. There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 224/2020

(Anil P. Ubale Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 3.8.2020

ORAL ORDER :

Heard Shri G.J. Karne, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 6.8.2020 for placing on record copy of the relevant G.R.

VICE CHAIRMAN

M.A. 178/2020 IN O.A. ST. 571/2020

(Sanjay R. Rajput & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 3.8.2020

ORAL ORDER :

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

2. At the request of learned Advocate for the applicants, S.O. to 13.8.2020 for taking necessary instructions from the applicants.

VICE CHAIRMAN

ARJ ORAL ORDERS 3.8.2020

ORIGINAL APPLICATION NO. 1029/2019
(Suraj S. Bavat Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 3.8.2020

ORAL ORDER :

Heard Shri M.S. Chaudhari, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 3 and Shri Ashish B. Rajkar, learned Advocate for respondent no. 4.

2. Learned P.O. for respondent nos. 1 to 3 and learned Advocate for respondent no. 4 seek time to file affidavit in replies on behalf of respective respondents. Time granted as a last chance.

3. In the circumstances, S.O. to 14.9.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 3.8.2020

ORIGINAL APPLICATION NO. 187/2020

(Basanti J. Padavi Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 3.8.2020

ORAL ORDER :

Heard Shri S.U. Chaudhari, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply of the respondents. Time granted as a last chance.

3. In the circumstances, S.O. to 14.9.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 3.8.2020

M.A. ST. 501/2020 IN O.A. 93/2020

(Jayshree S. Tusamkar Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 3.8.2020

ORAL ORDER :

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

2. Issue notice to respondents in the present M.A., returnable on 14.9.2020.

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 14.9.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 3.8.2020

M.A. 57/2019 IN O.A. 667/2018

(Sanchit S. Deshpande & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 3.8.2020

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the applicants in the present M.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 15 & 16 in the present M.A. and Shri S.D. Joshi, learned Advocate for the respondent nos. 1 to 14 in the present M.A. / applicants in O.A.

2. With the consent of both the sides, S.O. to 10.8.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 3.8.2020