

ORIGINAL APPLICATION NO. 813/2017
(Nagesh M. Phad Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2021.

ORAL ORDER :

Heard Shri Vivek Bhavthankar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 3 and Shri Vijay B. Patil, learned Advocate for respondent no. 4.

2. The present case is ready for final hearing. At this stage the learned P.O. for res. nos. 1 to 3 places on record the copy of communication dtd. 4.5.2019 addressed by the res. no. 2 to the res. no. 1, thereby it was stated that the applicant can be appointed under S.E.B.C. quota. He also placed on record copy of communication dtd. 16.8.2019 received from res. no. 2, thereby it is stated that the candidate should have the requisite certificate prior to date of advertisement. Both the communications are taken on record and marked as documents 'X' collectively.

3. Learned P.O. prays for time for taking instructions from the concerned respondents about the current position about giving appointment to the applicant. Time as prayed for is granted.

::-2-::

O.A. NO. 813/2017

4. In view of above, the present matter be placed on board for final hearing on 2.8.2021.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 5.7.2021

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

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

DATE : 05.07.2021.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 29.7.2021 for final hearing. The matter be treated as part heard.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 5.7.2021

ORIGINAL APPLICATION NO. 659/2019
(Vijay M. Suralkar Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2021.

ORAL ORDER :

None appears for the applicant. Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 5.8.2021 for final hearing. The interim relief granted by the Tribunal vide order dtd. 23.7.2019 to continue till then.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 5.7.2021

ORIGINAL APPLICATION NO. 224/2021
(Chandu M. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2021.

ORAL ORDER :

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

2. Record shows that in the present matter, only the res. no. 3 has filed affidavit in reply. Learned P.O. seeks time to file affidavit in reply on behalf of res. nos. 1 & 2. Time granted.

3. In the circumstances, S.O. to 6.8.2021 for filing affidavit in reply on behalf of res. nos. 1 & 2.

MEMBER (A)

MEMBER (J)

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

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

DATE : 05.07.2021.

ORAL ORDER :

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

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

3. In the circumstances, S.O. to 2.8.2021 for filing affidavit in reply by the respondents. Interim relief granted by the Tribunal vide order dtd. 21.6.2021 to continue till filing of reply by the respondents.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 451 OF 2015
(Suryakant R. BiradarVs. State of Maharashtra &Ors.)**

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

DATE : 5.7.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 3.8.2021 for hearing.

MEMBER (J)

ORAL ORDERS 5.7.2021-HDD

**ORIGINAL APPLICATION NO. 29 OF 2020
(ShaikhAkhtarHussainVs. State of Maharashtra &Ors.)**

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

DATE : 5.7.2021

ORAL ORDER :

Shri P.B. Rakhunde, learned Advocate for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondents, present.

2. At the request of learned Presenting Officer, S.O. to 4.8.2021 for filing affidavit in reply on behalf of the respondents.

3. The present matter be placed on separate board.

MEMBER (J)

ORAL ORDERS 5.7.2021-HDD

**ORIGINAL APPLICATION NO. 77 OF 2020
(Mahesh S. KhedkarVs. State of Maharashtra &Ors.)**

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

DATE : 5.7.2021

ORAL ORDER :

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

2. Pleadings in the matter are complete. Considering the nature of the proceedings, the present case is fixed for hearing at the stage of admission itself.

3. S.O. to 6.8.2021.

MEMBER (J)

ORAL ORDERS 5.7.2021-HDD

**ORIGINAL APPLICATION NO. 111 OF 2020
(Rajendra S. BuwaVs. State of Maharashtra &Ors.)**

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

DATE : 5.7.2021

ORAL ORDER :

Heard ShriAnand S. Deshpande, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has filed service affidavit and the same is taken on record.
3. At the request of learned Presenting Officer, S.O. to 6.8.2021 for filing affidavit in reply.
4. The present matter be placed on separate board.

MEMBER (J)

**O.A.NO. 80/2021 WITH M.A.NO. 71/2021
(Bhimrao N. Kokate Vs. State of Maharashtra &Ors.)**

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

DATE : 5.7.2021

ORAL ORDER :

Heard arguments advanced by ShriShamsundar B. Patil, learned Advocate for the applicant and V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time for advancing rejoinder arguments. Time granted.

3. S.O. to 13.07.2021. The present case be treated as part heard.

MEMBER (J)

ORAL ORDERS 5.7.2021-HDD

ORIGINAL APPLICATION NO. 312 OF 2021
(Subhash B. Deonde Vs. State of Maharashtra &Ors.)

CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021.

ORAL ORDER :

Heard ShriAvinash S. Khedkar, learned Advocate for the applicant and ShriM.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. In the present Original Application, the applicant has challenged the recommendation of respondent No. 3 vide list, Exhibit – A-4 at paper book page No. 77 from the Open Category and seeking recommendation appointment of himself to the post of X-Ray Scientific Officer, Public Health Department. It is contention of the applicant that the respondent No. 3 i.e. Shri Vijay VasantPatil has on the date of making application for the said post was of 38 years and 3 months old. However, the date of birth of the respondent No. 3 is not known to the applicant. The applicant seeking ad-interim relief in terms of prayer clause 22 (D) to direct the respondent No. 3 to keep one post vacant pending hearing and final disposal of the present O.A.

3. Learned C.P.O. oppose the said prayer and stated that he would seek instructions and will file affidavit in reply.

//2//

O.A. No. 312/2021

4. Record shows that after coming to know about the recommendation Exhibit A-4 collectively, the applicant has made representation dated 14.06.2021 address to the respondent No. 2. The applicant stated that he has not received any response in respect of said representation. However, he has made requisite grievance.

5. Considering the facts and circumstances, we are of the opinion that at this stage it would be just and proper to direct the respondent Nos. 1 and 2 to decide the representation of the applicant by 20.07.2021 and communicate about it to the applicant immediately.

6. Issue notice to the respondents, returnable on 04.08.2021.

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

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

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

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

11. S.O. to 04.08.2021.

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

13. The present matter be placed on separate board.

MEMBER (A)

KPB ORAL ORDERS 05.07.2021

MEMBER (J)

C.P. 27/2019 in O.A. No. 260/2017
(Bhagwat D. Bedke Vs. State of Maharashtra &Ors.)

CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021.

ORAL ORDER :

Heard ShriR.P. Bhumkar, learned Advocate for the applicant, ShriI.S. Thorat, learned Presenting Officer for the Respondent Nos. 1 to 3 and Smt. UjjwalAgarwal, learned Advocate for respondent No. 4.

2. Record shows that pleadings up to sur-rejoinder are complete.

3. Learned Advocate for the applicant submits that he has not received copy of sur-rejoinder affidavit. He has submitted that he has received copy of sur-rejoinder affidavit today only.

4. In view of the same, S.O. to 05.08.2021.

MEMBER (A)
KPB ORAL ORDERS 05.07.2021

MEMBER (J)

ORIGINAL APPLICATION NO. 26 OF 2019
(Vinod S. MuleyVs. State of Maharashtra &Ors.)

CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021.

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Record shows that affidavit in reply is filed on behalf of respondent No. 4.
3. Learned Presenting Officer has placed on record a copy of communication dated 06.03.2020 received from the respondent No. 3, whereby the proposal was sent to the higher authority for closing Departmental Enquiry against the applicant. Copy of the said communication is taken on record and marked as document 'X' for the purpose of identification.
4. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
5. Learned P.O. submits that he has to seek instructions from the respondents about the subsequent development.
6. S.O. to 04.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1044 OF 2019
(Tukaram S. KatareVs. State of Maharashtra &Ors.)

CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021.

ORAL ORDER :

Heard ShriD.A. Bide, learned Advocate for the applicant and ShriM.P. Gude, learnedPresenting Officer for the Respondents.

2. Record shows that affidavit in reply is filed on behalf of respondent No. 3.
3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 4 to 6. Time granted.
4. S.O. to 05.08.2021.
5. Present matter be placed on separate board.

MEMBER (A)

KPB ORAL ORDERS 05.07.2021

MEMBER (J)

ORIGINAL APPLICATION NO. 184 OF 2020
(Govardhan B. KawaleVs. State of Maharashtra &Ors.)

CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021.

ORAL ORDER :

Heard ShriV.V. Gujar, learned Advocate for the applicant and ShriV.R. Bhumkar, learnedPresenting Officer for the Respondent Nos. 1 to 3 & 5. Shri S.J. Salunke, learned Advocate for respondent No. 4, **absent.**

2. Record shows that affidavit in reply jointly filed on behalf of respondent Nos. 1 and 3 and separately by respondent Nos. 4 & 5.

3. Learned Advocate for the applicant has submitted that he has not received copy of the affidavit in reply filed by the respondent Nos. 4 & 5. He has submitted that he has received copy of affidavit in reply of respondent Nos. 4 & 5 today only.

4. At the request of learned Advocate for the applicant, S.O. to 06.08.2021 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 361 OF 2020
(Anukush N. Garad&Ors.Vs. State of Maharashtra &Ors.)

CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021.

ORAL ORDER :

Heard ShriSwapnilDeshmukh, learned Advocate for the applicants and ShriB.S. Deokar, learnedPresenting Officer for the Respondents.

2. Learned Advocate for the applicants has placed on record a copy of order dated 24.03.2021 issued by the respondent No. 6 appointing all the applicants herein on contract basis on the post of Law Instructors for a period of 01.04.2021 to 28.02.2022. Copy of the said order is taken on record and marked as document 'X' for the purpose of identification. In view of the same, learned Advocate for the applicants seeks disposal of the present O.A., as nothing remains to be decided in the same.

3. In view of above, the Original Application stands disposed of accordingly with no order as to costs.

MEMBER (A)

KPB ORAL ORDERS 05.07.2021

MEMBER (J)

ORIGINAL APPLICATION NO. 360 OF 2020
(Anandrao S. Jadhav&Anr.Vs. State of Maharashtra &Ors.)

CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021.

ORAL ORDER :

Heard ShriSwapnilDeshmukh, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learnedPresenting Officer for the Respondents.

2. Learned Advocate for the applicants submits that during pendency of the present Original Application, both the applicants have received appointment on contract basis as Law Instructors.

3. In view of the same, noting remains to be decided in the present Original Application. Consequently, the Original Application stands disposed of with no order as to costs.

MEMBER (A)

KPB ORAL ORDERS 05.07.2021

MEMBER (J)

**ORIGINAL APPLICATION NOS. 358, 359 & 362 ALL OF 2020
(Vidya R. Bornare&Ors.Vs. State of Maharashtra &Ors.)**

**CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)**

DATE : 05.07.2021.

ORAL ORDER :

Heard ShriSwapnilDeshmukh, learned Advocate for the applicants in all these O.As.and S/shriM.S. Mahajan, S.K. Shirse and Smt. M.S. Patni, learned Chief Presenting Officer and Presenting Officer for the respective Respondents in respective O.As..

2. At the request and by consent of both the parties, S.O. to 22.07.2021.

MEMBER (A)

KPB ORAL ORDERS 05.07.2021

MEMBER (J)

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

CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021.

ORAL ORDER :

Heard ShriS.B. Salunke, learned Advocate for the applicant and ShriS.K. Shirse, learnedPresenting 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 02.08.2021.
4. The present matter be placed on separate board.

MEMBER (A)
KPB ORAL ORDERS 05.07.2021

MEMBER (J)

M.A. No. 81/2021 in O.A. St. No. 253/2021
(Sahebrao B. ChavanVs. State of Maharashtra &Ors.)

CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021.

ORAL ORDER :

Heard ShriV.B. Wagh, learned Advocate for the applicant and ShriM.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 in M.A. Time granted.

3. S.O. to 02.08.2021.

4. The present matter be placed on separate board.

MEMBER (A)
KPB ORAL ORDERS 05.07.2021

MEMBER (J)

ORIGINAL APPLICATION NO. 713 OF 2017
(Venkat D. MundheVs. State of Maharashtra &Ors.)

CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021.

ORAL ORDER :

Heard ShriS.D. Joshi, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the applicant and Smt. M.S. Patni, learnedPresenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23.07.2021.

MEMBER (A)

KPB ORAL ORDERS 05.07.2021

MEMBER (J)

**M.A. 141/2021 with M.A. 121/2021 in C.P.
03/2021 in O.A. 295/2019**
(State of Maharashtra & Ors. Vs.
Mah. Rajya Hangami Hivtap Prayogshala Karmachari Sangathana)

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

DATE : 05.07.2021

ORAL ORDER :

Heard Shri N.U. Yadav, learned Presenting Officer for the applicants in M.A. 141/2021 (respondents in O.A.), Ms. Preeti Wankhade, learned Advocate for the respondent in M.A. 141/2021 (original applicant) and Shri Vinod Patil, learned Advocate for the intervenor (M.A. No. 121/2021).

2. Learned Advocate for respondent (Original Applicant) in M.A. No. 141/2021 submits that she will file affidavit in reply during the course of the day.

4. S.O. to 03.08.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 159/2021 in O.A. No. 115/2018
(Nagnath G. Savant &Anr.Vs. State of Maharashtra &Ors.)

CORAM :Hon'bleShri V.D. Dongre, Member (J)
AND
Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021.

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent Nos. 1 & 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent No. 3.

2. Learned Presenting Officer for respondent Nos. 1 & 2 and learned Advocate for respondent No. 3 seek time for filing affidavit in reply in the present M.A.

3. Learned Advocate for the applicants opposes the said contentions and seeks interim relief till filing of the affidavit in reply by the respondents to the effect that the respondent No. 1 should not take proposed action further in respect of grant of deemed date of appointment of the post of Superintendent, District Prison in favour of the respondent No. 3.

4. Considering the facts and circumstances and respondents are seeking time for filing affidavit in

//2//

M.A. No. 159/2021 in
O.A. 115/2018

reply, in our opinion that it would be just and proper to grant ad-interim relief as prayed for by the applicant in the present M.A. till filing of the affidavit in reply by the respondents, in order to avoid multiplicity of proceedings. Order accordingly and matter be posted for filing affidavit in reply by the respondents.

5. S.O. to 29.07.2021.

6. The present matter be placed on separate board.

MEMBER (A)

KPB ORAL ORDERS 05.07.2021

MEMBER (J)

**O.A.NOS.860, 861, 862, 863 & 864 ALL OF 2019
(ShriVithal H. Desale&Ors.Vs. State of Maharashtra &Ors.)**

CORAM :Hon'bleShriBijay Kumar, Member (A)

DATE : 05.07.2021

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicants in all the O.As.andShri M.S. Mahajan, learned C.P.O., Shri I.S. Thorat, Shri V.R. Bhumkar, Smt. Deepali S. Deshpande and Shri N.U. Yadav, learned Presenting Officers for the respective respondents in respective O.As.

2. Learned Advocate for the Applicants has filed affidavit-in-rejoinder in all the O.As. The same are taken on record and copies thereof have been served on the other side.

3. S.O. to 30.07.2021.

MEMBER (A)

Date :05.07.2021

ORIGINAL APPLICATION NO.313/2021

(ShriPandurangMaribaKamble V/s The State of Maharashtra &Ors.)

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

1. Shri P.B. Rakhunde, Id. Advocate for the applicant and Shri M.S. Mahajan, Id. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 20.08.2021. The case be listed for admission hearing on 20.08.2021.
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