

**ORIGINAL APPLICATION NO.233/2020
(Arun Ghate Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Heard Shri V.G.Pingle, learned Advocate for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent nos.1 to 3 and Shri S.B.Mene learned Advocate for respondent no.4.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. Respondent no.4 adopts affidavit in reply of respondent nos.1 to 3.

4. Learned Advocate for the applicant states that the affidavit in rejoinder is not necessary.

5. Learned Advocate for the applicant has been advised to make correction in typographic error in the index page item no.4.

6. Pleadings are complete. Case is admitted and placed for final hearing.

7. S.O. to 29.10.2021.

MEMBER (A)

ORIGINAL APPLICATION NO.543/2020
(Gaurav Randive Vs. State of Maharashtra & Ors.)

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

DATE : 06.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted a chart in compliance of the order dated 03-09-2021, which is taken on record. He also informs that as per his information which may be confirmed with the help of learned P.O. that the respondent no.5 is no more.

3. Learned P.O. states that he will submit affidavit in reply on behalf of respondent nos.1 to 4 during the course of the day and will also seek instructions about the respondent no.5. He also undertakes to serve copy of the reply on the other side.

4. S.O. to 16.11.2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.07/2021
(Arun Thakur Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted a set of documents containing 3 pages in compliance with the point no.3 of order dated 23-09-2021 on record. It is marked as document "X" collectively for the purpose of identification.

3. Learned P.O. states that she will submit affidavit in reply during the course of the day. She also undertakes to serve copy of the same on the other side.

4. Learned Advocate for the applicant states that he wants to amend prayer clause in O.A. He is advised to file M.A. for amendment.

5. S.O. to 17.11.2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.517/2021
(Manisha Paithane Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

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

2. Learned P.O. has submitted affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. Learned Advocate for the applicant seeks time to file affidavit in rejoinder, if necessary. Time is granted for filing rejoinder.

4. Interim relief of maintaining status quo granted earlier to continue till then. However, in case of delay in filing affidavit in rejoinder, status quo order may be vacated.

5. S.O. to 25.10.2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.264/2019
(Supadu Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant argued the matter in the light of Rule 7, Note 7 of the Maharashtra Civil Services Revised Pay Rules 2009, whereas learned P.O. has argued that since disparity as arisen out of contingency of abolition of posts vide G.R. dated 11-03-1996, the same is not covered by the principle of pay parity. For that matter he has referred to contents of paragraph 4 of the affidavit in reply at paper book page 79. Matter is already part heard

3. S.O. to 18.10.2021.

MEMBER (A)

ORIGINAL APPLICATION NO.519/2019
(Usha Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.10.2021

ORAL ORDER :

Heard Shri J.M.Murkute, learned Advocate for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondents.

2. Arguments of both sides are heard at length. Following case laws/orders are submitted by the learned Advocate for the applicant in support of his claims in the O.A.:

(a) Order in O.A.No.184/2005 dated 03-05-2006 passed by Maharashtra Administrative Tribunal, Aurangabad.

(b) Order in O.A.No.432/2013 dated 01-12-2014 passed by Maharashtra Administrative Tribunal, Aurangabad.

(c) Order in W.P.No.1384/2016 dated 27-02-2017 passed by the Hon'ble Bombay High Court Bench at Aurangabad.

(d) Order in O.A.No.574/2016 dated 19-09-2018 passed by Maharashtra Administrative Tribunal, Aurangabad.

3. In view of the above case laws/orders learned Advocate for the applicant submits that change of name of nominee of the deceased employee under the scheme of

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O.A.NO.519/2019

appointment on compassionate ground is permitted by the courts.

4. Learned P.O. argued that there is no such provision in G.R. dated 21-09-2017. Therefore, by filing the affidavit in reply the respondents have opposed change of name of the nominee for appointment on compassionate ground under the said scheme.

5. Learned Advocate for the applicant has been advised to refer to the order in O.A.No.432/2013 dated 01-12-2014 passed by the Maharashtra Administrative Tribunal, Aurangabad wherein it has been mentioned that order of this Bench in O.A.No.184/2005 has been upheld by the Hon'ble High Court.

6. At the same time, Registry is directed to get a list of all similar O.As. pending before this Tribunal on the subject of change in name of nominees, so that well considered order can be passed.

7. This matter is closed for order.

MEMBER (A)

**ORIGINAL APPLICATION NO.102 OF 2020
(Swati G. Jagdhane Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Heard Shri R.M. Deshmukh, 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, time is granted for filing affidavit-in-rejoinder, if any.

3. S.O. to 24.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.10.2021-SAS

**ORIGINAL APPLICATION NO.164 OF 2020
(Hemant M. Chhajed Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Heard Shri A.M. Hajare, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of the respondent nos.1, 2 & 4 is taken on record and copy thereof has been served on the other side.

3. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent no.3.

4. At the request of learned for the applicant, time is granted for filing affidavit-in-rejoinder to the affidavit-in-reply filed by the respondent nos.1,2 & 4.

5. S.O. to 25.11.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.259 OF 2021
(Megharani P. Tarkase & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

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

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

3. S.O. to 25.11.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.329 OF 2021
(Somnath A. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Heard Shri A.B. Rajkar, 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, time is granted for filing affidavit-in-rejoinder.

3. S.O. to 16.11.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.415 OF 2021
(Vivekanand V. Auti & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Shri Santosh S. Dambe, learned Advocate for the applicants is **absent**. Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. As per order dated 27.07.2021 passed in Misc. Application St.No.843/2021, amendment in Original Application was allowed. However, there is no record to show that the amended copy of the O.A. is served upon the respondents.

3. If the amended copy of the O.A. is not served upon the respondents, the applicant to serve the same before the next date.

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

5. S.O. to 23.11.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.485 OF 2021
(Amol J. Kale Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Heard Shri M.G. Deokate, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos.1 to 4.

2. Learned Advocate Shri Sanjya A. Wakure has filed **VAKALATNAMA** on behalf of respondent no.5. The same is taken on record.

3. At the request of learned P.O. for the respondent nos.1 to 4 and learned Advocate for the respondent no.5, time is granted for filing affidavit-in-reply.

4. S.O. to 24.11.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.496 OF 2021
(Prathamesh S. Vaivhya & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent nos.1 to 3.

2. Learned Advocate Shri Kiran G. Salunke has filed **VAKALATNAMA** on behalf of respondent no.10. The same is taken on record.

3. None present on behalf of respondent nos.4 to 9, 11 & 12 though they are duly served.

4. At the request of learned P.O. for the respondent nos.1 to 3 and learned Advocate for the respondent no.10, time is granted for filing affidavit-in-reply.

5. S.O. to 25.11.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.246/2021 IN O.A.NO.654/2013
(Dr. Amol S. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Heard Ms. Sayali Kulkarni, learned Advocate holding for Smt. Surekha Mahajan, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 16.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.10.2021-SAS

**M.A.NO.269/2021 WITH M.A.NO.270/2021 IN
M.A.ST.NO.802/2021 IN O.A.ST.NO.803/2021**

**(Dattatraya S. Sonawane & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Shri R.C. Bramhankar, learned Advocate for the applicants is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. As none present on behalf of the applicants, S.O. to 24.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.10.2021-SAS

**ORIGINAL APPLICATION NO.732 OF 2018
(Akhtarkhan Shahajadekhan Pathan & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Heard Shri Aakash Bagal, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-sur-rejoinder, if necessary.

3. S.O. to 25.11.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.269 OF 2020 IN O.A.ST.NO.1652/2019
(Baburao S. Mule & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

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

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

3. S.O. to 23.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.10.2021-SAS

**ORIGINAL APPLICATION NO.297 OF 2018
(Ajay R. Umale Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Shri Vijay V. Deshmukh, learned Advocate for the applicant is **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The present matter is already part heard. As none present on behalf of the applicant, S.O. to 26.10.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.262 OF 2017
(Trimbak G. Phasle Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

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

2. During the course of arguments, learned Advocate for the applicant submitted that the order dated 19.01.2004 passed by the Divisional Commissioner, Aurangabad directing the re-enquiry was challenged by the applicant by preferring Original Application before this Tribunal.

3. He submits that the pleadings in respect of the said earlier Original Application would be necessary. Hence, he seeks leave of this Tribunal to amend the Original Application. Leave as prayed for is granted.

4. The applicant to amend the O.A. within the period of one week and serve the amended copy of the O.A. to the other side.

5. S.O. to 22.10.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.463/2019 IN O.A.NO.436/2017 WITH
T.A.NO.03/2021 (W.P.NO.3742/2021)
(Sherya B. Mamode Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Heard Ms. Anagha Pandit, 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. Record shows that by order dated 24.08.2021 passed by the Hon'ble High Court in Writ Petition No.3742/2021, the said Writ Petition is transferred to this Tribunal and it is renumbered as T.A.No.03/2021.

3. By the said order it is observed as follows:-

“As the Tribunal is now available, the present Writ Petition is transferred to the Tribunal for decision along with the Original Application bearing No.436/2017.”

4. In view of above, both these matters are tagged together.

5. Record shows that in Original Application No.436/2017, Misc. Application No.463/2019 is filed by the applicant for interim relief of allowing the applicant to participate in the training for the post of Assistant Motor

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M.A.463/2019 IN O.A.436/2017
WITH T.A.03/2021 (W.P.3742/2021

Vehicle Inspector pursuant to interim order dated
11.07.2017.

6. No affidavit-in-reply is filed by the respondents in the
said Misc. Application.

7. Learned C.P.O. seeks time for filing affidavit-in-reply.
Short time is granted for filing affidavit-in-reply in M.A.

8. S.O. to 16.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.10.2021-SAS

**ORIGINAL APPLICATION NO.477 OF 2018
(Santosh U. Mandage & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 22.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.598 OF 2018
(Ganpat G. Sansare Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.10.2021-SAS

**ORIGINAL APPLICATION NO.374 OF 2019
(Dr. Mohammad Sharif Bismilla Khan Pathan Vs. State
of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 25.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.385 OF 2019
(Suresh U. Nande Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 26.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.10.2021-SAS

**ORIGINAL APPLICATION NO.398 OF 2019
(Dr. Anilkumar B. Momale Vs. State of Maharashtra &
Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 26.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.870 OF 2019
(Dr. Devrao S. Dakhure Vs. State of Maharashtra & Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 20.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.10.2021-SAS

**ORIGINAL APPLICATION NO.58 OF 2020
(Ritesh R. Kaware & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 06.10.2021

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned Advocate for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos.1 to 3 and Shri A.S. Deshmukh, learned Advocate for the respondent no.4.

2. During the course of arguments it transpires that the applicant nos.1,2, 4 & 5 were appointed on 14.10.2013 and the applicant no.3 was appointed on 23.10.2013. The respondent no.4 was also appointed on 14.10.2013. The matter revolves around passing of the Sub-Services Departmental Examination by the Government servants in the cadre of Clerk serving in the Revenue and Forest Department within four years at the date of recruitment and within three chances.

3. From pleadings it transpires that from October, 2013 to September, 2017, in all four examinations were conducted i.e. on 30.01.2014, 05.12.2014, 06.12.2015 and 21.10.2016. The applicants have passed this departmental examination conducted on 21.10.2016.

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O.A.58/2020

4. In view of same, learned Advocate for the Applicant have to make the submissions and if possible, place on record the chart showing the details about the same.
5. The present matter be treated as part heard.
6. S.O. to 13.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.10.2021-SAS

ORIGINAL APPLICATION NO. 398 OF 2018
(Dnyaneshwar K. Sanap & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 6.10.2021

ORAL ORDER :

Heard Shri Vivek G. Pingle, learned Advocate for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants has referred to reports submitted by Deputy Executive Engineer, Ahmednagar Irrigation Division, Ahmednagar addressed to Superintending Engineer & Administrator, CADA, Nashik, dated 16.1.2012 (Annexure 'A-1', page-18 of paper book) as evidence that the applicants' names have been recommended for the benefit under the scheme and the applicants names are at Sr. Nos. 5 & 34 of the chart containing names of eligible employees. He has also brought to the notice that in affidavit in rejoinder he has also submitted copies of a number of certificates (at Annexure 'A-11', starting from page No. 83 of paper book) as evidence of eligibility of the applicants for the benefit under the scheme.

3. Learned Presenting Officer has cited Annexure 'A-6', page-37 of paper book, paragraph 13 stating that even if case of some employees have been recommended by the concerned officers two specific criterion have been applied, firstly, to finalize the list of eligible employees, those who are retiring or have retired have been excluded; secondly, those not working on the higher post on the date of report i.e. around November, 2016, when report was being prepared, have not been considered for the benefit under the scheme. In order to ascertain the facts, learned Presenting Officer has been advised to produce log book of wireless system of relevant Irrigation Projects, for the relevant period to ascertain whether the applicants were working as wireless operators during the relevant period or not.

4. The present case be treated as part heard.

5. S.O. to 20.10.2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 109/2021
(Ashok D. Shriadkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 6.10.2021

ORAL ORDER :

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

2. Learned C.P.O. has filed affidavit in reply of respondent nos. 3 & 4. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicants. Learned C.P.O. further seeks time for filing affidavit in reply of respondent nos. 1 & 2, if any. Time granted.

3. S.O. to 16.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 115/2021
(Kadubai S. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 6.10.2021

ORAL ORDER :

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

2. Learned P.O. seeks time for filing affidavit in reply of respondents. Time granted.

3. S.O. to 16.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 206/2021
(Deepak B. Aher & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 6.10.2021

ORAL ORDER :

Shri S.B. Solanke, learned Advocate for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. Learned P.O. seeks time for filing affidavit in reply of respondents. He has also placed on record copy of communication dtd. 5.10.2021 in that regard received to him from the concerned respondent. Time as prayed for is granted to the respondents for filing affidavit in reply.

3. 26.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 229/2021
(Balbir Singh Jagannath Prasad Tyagi Vs. State of
Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 6.10.2021

ORAL ORDER :

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

2. Learned P.O. filed affidavit in reply of respondent nos. 1 to 4. It is taken on record and copy thereof has been supplied to learned Advocate for the applicant.

3. S.O. to 28.10.2021 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (J)

ORIGINAL APPLICATION NO. 521/2021
(Vijay S. Ghodake Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 6.10.2021

ORAL ORDER :

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

2. Learned P.O. seeks time for filing affidavit in reply of respondents. Time granted.

3. S.O. to 18.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 522/2021
(Ravindra D. Raut Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 6.10.2021

ORAL ORDER :

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

2. Learned P.O. seeks time for filing affidavit in reply of respondents. Time granted.

3. S.O. to 18.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 597/2020
(Amol S. Shidore Vs. State of Maharashtra & Ors.)

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

DATE : 6.10.2021

ORAL ORDER :

Heard Shri Govind Chate, learned Advocate holding for Shri Sandip R. Andhale, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 18.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 86/2021
(Prashant T. Sasane Vs. State of Maharashtra & Ors.)

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

DATE : 6.10.2021

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 14.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 87/2021
(Vijay V. Mangiraj Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 6.10.2021

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 14.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 747/2019

(Prashant M. Wayukar Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 948/2019

(Manohar K. Mulmule & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 6.10.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicants in both the cases and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the cases.

2. In view of the observations of this Tribunal in the order dated 6.9.2021, the learned P.O. has filed short affidavit of the concerned respondent. It is taken on record and copy thereof has been supplied to other side. Learned Advocate for the applicants seeks short time for going through the said affidavit and advance his submissions. Time granted.

3. S.O. to 11.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 422/2019
(Syed Khaj Syed Meeran Vs. State of Maharashtra & Ors.)

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

DATE : 6.10.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. With the consent of both the sides S.O. to 29.10.2021.

MEMBER (J)

ARJ ORAL ORDERS 6.10.2021

ORIGINAL APPLICATION NO. 844/2019
(Raviraj M. Darak Vs. State of Maharashtra & Ors.)

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

DATE : 6.10.2021

ORAL ORDER :

Heard Shri Sharad Shinde, learned Advocate holding for Shri Vivek Bhavthankar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. With the consent of both the sides S.O. to 29.10.2021.

MEMBER (J)

ARJ ORAL ORDERS 6.10.2021

ORIGINAL APPLICATION NO. 291/2021
(Dattatrya M. More Vs. State of Maharashtra & Ors.)

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

DATE : 6.10.2021

ORAL ORDER :

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

2. The Original application is filed seeking to quash and set aside the impugned order dated 7.5.2021 (Annex. A-4) intending to recover the excess amount, if found to be paid to the applicant, in equal installments. In the O.A., the applicant has produced his salary slips for the months of March, 2021, April, 2021 & May, 2021 (Annex. A-5) to demonstrate the alleged recovery. Perusal of the pay slips for the months of March, 2021 & April, 2021 would show the basic pay of the applicant Rs. 35,300, whereas the pay slip of May, 2021 shows his basic pay of Rs. 32,000/-. However, more closer look of the pay slips of March & April, 2021 would show that at the top side thereof the basic pay of the applicant is mentioned as Rs.32300/-. In view thereof, the point of interim relief was kept open till filing of affidavit in reply by the respondents. Thereafter, the matter has been adjourned from time

to time i.e. on 16.7.2021, 13.8.2021, 15.9.2021 and lastly it is adjourned to today i.e. on 6.10.2021. Today also the learned P.O. seeks further time for filing affidavit in reply of the respondents. This will show that though opportunities were granted to the respondents, affidavit in reply has not been filed by them.

3. In the circumstances as above, the learned Advocate for the applicant presses for grant of interim relief and for that purpose he produced on record the documents received by the applicant from the respondents under R.T.I. Act. The said documents are taken on record and marked as document 'X' collectively for the purpose of identification. Perusal of letter dated 15.9.2021 would show that from May, 2021 the basic pay of the applicant is reduced from Rs. 35,300/- to 32,300/- and 02 installments out of total 06 installments have already been recovered from the salary of the applicant towards excess payment. However, learned Advocate for the applicant also submits that 3rd installment is also recovered.

4. In view of above, in my considered opinion, it is clear that the respondents have started recovery of against the applicant and in spite of grant of number of opportunities to the respondents, they have not filed affidavit in reply till today.

5. The applicant belongs to Group-C category and is working as Forester. In the circumstances, the ratio laid down in clauses (i), (ii) & (iii) of para 12 of the judgment of 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**, would be squarely applicable in the present case. In view thereof, by way of interim relief it is hereby ordered that further recovery of excess payment from the salary of the applicant is stayed till filing of affidavit in reply by the respondents.

6. S.O. to 22.11.2021.

MEMBER (J)

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

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

DATE : 6.10.2021

ORAL ORDER :

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

2. I have heard the arguments advanced by the learned Advocate for the applicant at length. During the course of arguments, it transpires that the impugned transfer order is effected in view of the order of Civil Services Board and approval from the next higher authority as contemplated U/s 4(4) & 4(5) of the Transfer Act, 2005. The respondents referred to document at page 120, however, the report of the Civil Services Board is not produced on record, which is necessary for adjudication of the matter. Therefore, the learned P.O. is directed to produce on record the report of the Civil Services Board, on the next date.

3. S.O. to 12.10.2021.

MEMBER (J)

**MA 591/2019 IN MA 308/18 IN OA ST. 1257/2018
(Bapurao D. Pattewale Vs. State of Maharashtra & Ors.)**

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

DATE : 6.10.2021

ORAL ORDER :

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

2. Learned P.O. seeks time for filing affidavit in reply of respondents in M.A. Time granted.

3. S.O. to 18.11.2021.

MEMBER (J)

ARJ ORAL ORDERS 6.10.2021

ORIGINAL APPLICATION NO. 560/2021
(Motiram D. Dakhore Vs. State of Maharashtra & Ors.)

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

DATE : 6.10.2021

ORAL ORDER :

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

2. Considering the nature of present proceedings, the point of interim relief is kept open till filing of affidavit in reply by the respondents.

3. Issue notices to the respondents, returnable on 15.11.2021.

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

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

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O.A. NO. 560/2021

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

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

8. S.O. to 15.11.2021.

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

MEMBER (J)

Date : 6.10.2021

O.A. 610/2021

(Madhukar K. JADHAV V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, 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 16.11.2021. The case be listed for admission hearing on 16.11.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR