

**ORIGINAL APPLICATION NO. 189 OF 2021**  
**(Sakharam C. Kashid Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Avinash Khedkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent No. 1. Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 to 4, **absent**.

2. At the request of learned Advocate for the applicant, time is granted for filing affidavit in rejoinder.

3. S.O. to 27.10.2021.

4. Interim relief granted earlier to continue till next date.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 214 OF 2021  
(Ramnath N. Raut Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Avinash Khedkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent No. 1. Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 & 3, **absent**.

2. At the request of learned Advocate for the applicant, time is granted for filing affidavit in rejoinder.

3. S.O. to 27.10.2021.

4. Interim relief granted earlier to continue till next date.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 235 OF 2021**  
**(Hirasingh K. Chandelhakur Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri K.A. Ingle, 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, time is granted for filing affidavit in reply.

3. S.O. to 15.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 336 OF 2021**  
**(Raosaheb S. Bhosale Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Avinash Khedkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent No. 1. Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 & 3, **absent**.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 1.

3. S.O. to 27.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 354 OF 2021**  
**(Saraswati M. Gudmewad Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Shri S.A. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, 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 18.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 380 OF 2021**  
**(Prabhakar A. Bhagat Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Shri N.L. Choudhari, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, 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 23.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 558 OF 2021**  
**(Prakash S. Aghav-Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. Issue notice to the respondents, returnable on 23.11.2021.

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.

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

7. S.O. to 23.11.2021.

**8. Status-quo granted by the order dated 21.09.2021 to continue till next date.**

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

10. The present matter be placed on separate board.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 565 OF 2021  
(Anil V. Chatlawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**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 learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 28.10.2021.

**MEMBER (J)**

**M.A. No. 218/2020 in O.A. St. No. 456/2020  
(Ashok B. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**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. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents in M.A.

3. S.O. to 18.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 707 OF 2021  
(Abhay D. Maske Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Shri S.S. Kulkarni/ V.S. Kadam, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 28.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 593 OF 2021**  
**(Gajanan P. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. The present Original Application is filed by the applicant challenging the impugned order dated 30.12.2020(Annexure A-1) thereby stating that in the pay fixation of 7th Pay Commission to be applicable from 01.01.2016 if any excess amount is found to be paid to be applicant will be recovered from him.

3. The applicant was initially appointed as Mukadam in the year 1981. In the year 1986 i.e. on 01.12.1986, he was appointed as Clerk. In the year 2003, he was promoted to the post of Wireless Operator. He was working with the respondent Nos. 2 to 4.

4. It is contention of the applicant that on completion of 12 years of service and considering his date of appointment as 01.12.1986, he was granted benefit of first time bound promotion by the

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respondent Nos. 2 to 4 w.e.f. 01.12.1998. Thereafter, upon completion of 24 years of service, the applicant was granted second time bound promotion w.e.f. 01.12.2010. The applicant retired from the service on attaining the age of superannuation on 30.06.2017. Thereafter, his pension papers were sent for verification for grant of pension. The respondent No. 4 raised objection and pointed out in respect of pay scale of the applicant by the communication dated 15.11.2019, which is reference in the impugned order dated 30.12.2020. It is further contention of the applicant that by the impugned order issued by the respondent No. 2 on 30.12.2020, the pay scale of the applicant was downgraded contending that he is not entitled for benefit of second time bound promotion and amount of Rs. 1,09,463/- is found to be paid in excess to the applicant during the period from 01.12.2010 to 31.12.2015. In view of the same, the learned Advocate for the applicant seeks stay to the impugned order dated 30.12.2020 (Annexure A-1) contenting that the applicant belongs to Class-III employee and he seeks interim stay in view of law laid down by the Hon'ble Supreme Court in the case of **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. Learned Presenting Officer opposed the submission advanced on behalf of the applicant and stated that he would seek necessary instructions from the respondents and will file affidavit in reply.

6. After having considered all the facts and circumstances of the case as above, it is apparent that the applicant at the time of retirement on 30.06.2017 was working as Wireless Operator in Group-C category. By the impugned order dated 30.12.2020 (Annexure A-1) it is stated that, if the excess payment is found to be paid to the applicant, the same will be recovered. Thereby it is also stated that the applicant was not entitled for the benefit of second time bound promotion, which he was given w.e.f. 01.12.2010. In view of the same, possibility of recovery of excess amount during the period from 01.12.2010 to 31.12.2015 cannot be ruled out.

7. In the case law relied upon by the learned Advocate for the applicant, the Hon'ble Supreme Court

in the case of **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.** (supra) observed as follows :-

*“12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarize the following few situations, wherein recoveries by the employers, would be impermissible in law:*

*(i) Recovery from employees belonging to Class-III and Class-IV service (or Group ‘C’ and Group ‘D’ service).*

*(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*

*(iii) Recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

*(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*

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*(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employees, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."*

8. Considering the above facts, the case of the applicant would fall within the parameters of para 13(i) & (ii) of the **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.**(supra). Hence this is a fit case to grant interim relief to the extent of staying the condition of recovery imposed in the impugned order dated 30.12.2020 (Annexure A-1) till filing of the affidavit in reply by the respondents. Ordered accordingly.

9. Issue notice to the respondents, returnable on 24.11.2021.

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



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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 (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 24.11.2021.

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

16. The present matter be placed on separate board.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 367 OF 2019**  
**(Arvind D. Sulakhe Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. The present matter is closed for orders.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 721 OF 2017**  
**(Subhash K. Paralikar Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the sides, S.O. to 26.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 558 OF 2019**  
**(Udalsingh A. Bohara Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri A.L. Kanade, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request and by consent of both the sides, S.O. to 24.11.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 559 OF 2019**  
**(Janardhan P. Muley Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri A.L. Kanade, 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 24.11.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 536 OF 2021**  
**(Dnyaneshwar S. Andhale Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri R.A. Joshi, 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 18.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.117 OF 2021  
(Sudhir R. Tambe Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. By consent of both the sides, S.O. to 25.11.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-SAS

**ORIGINAL APPLICATION NO.209 OF 2021  
(Sayed Shoukatlal Sabirali Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri H.M. Shaikh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 26.11.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-SAS



**M.A.NO.259/2020 IN O.A.ST.NO.877/2020  
(Vilas M. Yadav & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri S.B. Solanke, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 25.10.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-SAS

**M.A.NO.260/2020 IN O.A.ST.NO.879/2020  
(Indrakumar S. Auti & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. By consent of both the sides, S.O. to 25.10.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-SAS

**M.A.NO.261/2020 IN O.A.ST.NO.881/2020  
(Rahul V. Manjare & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri S.B. Solanke, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 25.10.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-SAS

**ORIGINAL APPLICATION NO.205 OF 2019  
(Vaijnath M. Karadkhele Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri S.D. Dhongde, learned Advocate for the respondent No.3.

2. The present matter be treated as part heard.
3. S.O. to 27.10.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-SAS

**C.P.NO. 52/2018 IN O.A.NO. 563/2016**  
**(Devidas K. Kardule Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer submits that order in question dated 6.7.2017 passed by this Tribunal in O.A. No. 563/2016 is fully complied with and in that regard he filed a copy of compliance report. It is taken on record and marked as document 'X' for the purpose of identification. Learned Presenting Officer submits that as the order in question has been fully complied with by the respondents, nothing remained to be decided in the present C.P. No. 52/2018 and the same may kindly be disposed of.

3. Learned Advocate for the applicant concedes with the above position.

4. In view of the aforesaid submissions made on behalf of both the parties, the present C.P. No. 52/2018 stands disposed of with no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1075 OF 2019**  
**(Rohini R. Mugale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate holding for Shri P.G. Rodge, 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 there is certain developments in the present case and seeks time. Time granted.

3. S.O. to 28.10.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

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

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. Since Division Bench is not available, S.O. to 1.12.2021. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**ORIGINAL APPLICATION NO. 119 OF 2018**  
**(Jyoti L. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Santosh N. Patne, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Since Division Bench is not available, S.O. to 30.11.2021. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD



**ORIGINAL APPLICATION NO. 702 OF 2019**  
**(Ismail Raju Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. Since Division Bench is not available, S.O. to 3.12.2021. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**ORIGINAL APPLICATION NO. 435 OF 2020**  
**(Ratikant R. Sonwane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Vivek G. Pingle, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Since Division Bench is not available, S.O. to 6.12.2021. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

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

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. Since Division Bench is not available, S.O. to 1.12.2021. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**T.A. NO. 1/2018 (W.P. NO. 15249/2017)**  
**(Chanda R. Hingole Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Sujeet D. Joshi, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Since Division Bench is not available, S.O. to 26.10.2021. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**ORIGINAL APPLICATION NO. 111 OF 2013**  
**(Gajanan M. Shikare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri S.S. Halkude, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 & 2, Shri A.D. Gadekar, learned Advocate for respondent No. 3 and Shri S.K Sawangikar, learned Advocate for respondent No. 4.

2. Since Division Bench is not available, S.O. to 2.12.2021. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**M.A. 329/21 IN M.A. 283/21 IN M.A.149/21 IN  
O.A.187/21, C.P. 14/21  
(State of Maharashtra & Ors. Vs. Ramrao K. Pallewad)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in M.A. (respondents in O.A.), Shri D.K. Dagadkhair, learned Advocate for the applicants (intervenors) in M.A. No. 283/2021, Shri A.D. Sugdare, learned Advocate for the applicant (intervenor) in M.A. No. 149/2021 and Shri Arjun R. Lukhe, learned Advocate holding for Shri A.S. Shelke, learned Advocate for respondent in M.A. (applicant in O.A.).

2. Since Division Bench is not available, S.O. to 29.10.2021. Interim relief granted earlier in O.A. No. 187/2021 to continue till then.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**M.A.NO. 325/2021 IN O.A.NO. 196/2021**  
**(Sandip P. More Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. Issue notices to the respondents in M.A. No. 325/2021, returnable on 06.12.2021.

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.

**:: - 2 - :: M.A.NO. 325/2021 IN  
O.A.NO. 196/2021**

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. S.O. to 06.12.2021.

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

9. Interim relief granted earlier in O.A. No. 196/2021 to continue till then.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD



**M.A.NO. 103/2021 IN O.A.ST.NO. 462/2021**  
**(Ganesh D. Ingale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri S.S. Tandale, learned for the applicant  
and Shri S.K. Shirse, learned Presenting Officer for the  
respondents.

2. S.O. to 06.12.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**M.A.NO. 262/2019 IN O.A.NO. 349/2019**  
**(Dadasaheb M. Kewat Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Vivek G. Pingle, learned for the applicant,  
Shri B.S. Deokar, learned Presenting Officer for the  
respondent Nos. 1 to 3 and Shri S.D. Dhongde, learned  
Advocate for respondent No. 4.

2. S.O. to 30.11.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**ORIGINAL APPLICATION NO. 358 OF 2020**  
(Vidya R. Bornare Vs. State of Maharashtra & Ors.)

**WITH**

**ORIGINAL APPLICATION NO. 359 OF 2020**  
(Gopinath S. Patil & Ors. Vs. State of Maharashtra & Ors.)

**WITH**

**ORIGINAL APPLICATION NO. 362 OF 2020**  
(Savita R. Rebhankar & Ors. Vs. State of Maharashtra & Ors.)

**CORAM :** **Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate holding for Shri S.A. Deshmukh, learned Advocate for the applicants in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

2. S.O. to 22.11.2021 for hearing.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**C.P.NO. 15/2014 IN O.A.NO. 1128/1999**  
**(Revannath R. Landge Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri S.B. Bedwal, learned Advocate holding for Shri S.V. Adwant, learned Special counsel for the respondents.

2. S.O. to 06.12.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**M.A.NO. 146/2020 IN O.A.ST.NO. 419/2020**

**(Maharashtra Rajya Pashu Sawardhan Abhiyantriki Karmachari Sanghatana Vs. State of Maharashtra & Ors.)**

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

(This case has been placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Shri Gaurav L. Deshpande, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 3.12.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**ORIGINAL APPLICATION NO. 287 OF 2021**  
**(Vijaysing H. Bagul Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single Bench due to non-availability of Division Bench.)

**DATE :** **14.10.2021**

**ORAL ORDER :**

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

2. The present O.A. is filed by the applicant for seeking directions against the respondent No. 2 to decide the appeal filed by the applicant within the stipulated period.

3. Learned C.P.O. submits that the appeal filed by the applicant is decided by the respondent No. 2. In this regard he filed on record a copy of communication dated 8.10.2021 and other documents. They are taken on record and marked as document 'X Colly.' for the purpose of identification.

4. Learned Advocate for the applicant submits that he would seek instructions from the applicant. Time granted.

5. S.O. to 30.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 183 OF 2021**  
**(Satyajeet M. Ambhore Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Vishal P. Bakal, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that affidavit in reply is received to him by E.mail. He has supplied the copy of the same to the learned Advocate for the applicant. Original affidavit in reply is in transit.

3. S.O. to 30.11.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

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

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

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

2. Since none appears for the applicant, S.O. to  
3.12.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD



**C.P.NO. 1/2021 IN O.A.NO. 83/2018**  
**(Vyankat S. More & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Shri Kiran M. Nagarkar, learned Advocate for the applicants (**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 No. 5 and the same is taken on record.

3. Since nobody appears for the applicants, S.O. to 3.12.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**C.P.NO. 18/2020 IN O.A.NO. 665/2019**  
**(Dr. Vaishali S. Ganjewar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Shri Shamsundar B. Patil, learned Advocate for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, present.

2. At the request of learned Presenting Officer, S.O. to 2.12.2021 for filing affidavit in reply.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**C.P.NO. 1/2020 IN O.A.NO. 824/2016**  
**(Dr. Asha A Kadam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE : 14.10.2021**

**ORAL ORDER :**

Shri Shamsundar B. Patil, learned Advocate for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondents, present.

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

3. S.O. to 2.12.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

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

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Arjun R. Lukhe, learned Advocate holding for Shri A.S. Shelke, 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. Time granted.

3. S.O. to 15.11.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

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

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

**DATE : 14.10.2021**

**ORAL ORDER :**

Heard Shri Arjun R. Lukhe, learned Advocate holding for Shri A.S. Shelke, 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. Time granted.

3. S.O. to 15.11.2021.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**M.A.NO. 327/2021 IN O.A.ST.NO. 1396/2021**  
**(Hemant H. Ugale & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single  
Bench due to non-availability of Division  
Bench.)

**DATE :** **14.10.2021**

**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. By this Miscellaneous Application the applicants are seeking permission of this Tribunal to sue the respondents jointly.

3. In the Origin Application all the applicants are challenging the communication dated 7.9.2021 (Annexure 'A-4') issued by the Deputy Superintendent of Police, Anti corruption Bureau, Ahmednagar to the office of respondent No. 4 – the District Superintendent of Agriculture Officer, Savedi Road, Bhutkalwadi, Ahmednagar to give details in respect of various villages in Jamkhed Taluka to hold an open enquiry against the applicants working there during the period of 2015-2016 to 2018-2019.

4. It is the contentions of the applicants that they were working on the post of Agricultural Supervisor and Circle Agricultural Officer during the relevant period of 2015 to 2019. They were given call for the open enquiry. They all

:: - 2- ::

**M.A.NO. 327/2021 IN  
O.A.ST.NO. 1396/2021**

are retired on attaining the age of superannuation from Government service. In view of the same, the call given for enquiry is contrary to the provisions of the Maharashtra Civil Services (Pension) Rules, 1982.

5. In the circumstances as above, the cause of action, grievances, as well as, claims, which have been prayed for by the applicants in the O.A. are one and the same.

6. In view of above, in my considered opinion, in order to avoid multiplicity of the litigation, it would be just and proper to grant permission to the applicants to sue the respondents jointly, subject to payment of court fee stamps, if not paid already.

4. 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.

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD

**ORIGINAL APPLICATION ST.NO. 1396 OF 2021**  
**(Hemant H. Ugale & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Shri V.D. Dongre, Member (J)**  
(This case has been placed before the Single Bench due to non-availability of Division Bench.)

**DATE :** **14.10.2021**

**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 notices to the respondents, returnable on 30.11.2021.
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.



**:: - 2 - :: O.A. ST.NO. 1396 OF 2021**

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. S.O. to 30.11.2021.

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

**MEMBER (J)**

ORAL ORDERS 14.10.2021-HDD