

ORIGINAL APPLICATION NO.423/2021

(Dr. Namdev Baburao Aghav Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has mentioned that that the applicant is of 55 years of age. It is undisputed that he has completed his tenure as per the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 ("Transfer Act, 2005" for short) on the post of District Animal Husbandry Officer, Zilla Parishad, Osmanabad. He has prayed for transfer at Parli Vaijnath, District Beed as his wife is serving as Teacher at Nagnath Residential Secondary, School, Parali Vaijnath and his father is of 72 years old. Post of District Animal Husbandry Officer, Zilla Parishad, Beed is vacant since 29th May, 2020. Learned Advocate for the applicant refers to G.R. of G.A.D. dated 29-07-2021 Clause 3 and 4 and states that applicant has not been relieved from Osmanabad as per order dated 09-08-2021 till today more probably for the reason the post on which he is transferred will be vacant from 31-08-2021. Therefore, benefit of clause 4 of the said G.R. may be extended to him on sympathetic ground.

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3. Learned P.O. submits that procedure prescribed under the Transfer Act, 2005 and G.R. of G.A.D. dated 29-07-2021 have been complied with and therefore there is no merit in the case.

4. After considering all the facts it is inferred that it may not be possible for the Tribunal to pass any order for giving applicant posting of his choice only because a post is vacant and for the reason that manpower management and services to be rendered by the department to the public at large which is the domain of the concerned administrative department. However, respondents are at liberty to consider the request to look into the proceedings related to transfers of employees and may like to consider application of Dr. Namdeo Aghav in the present O.A. and as far as possible may accommodate him giving him equal treatment with other similar request-transfer applications. However, this should not be construed as directive from the Tribunal to give preferential treatment to the applicant vis a vis other similarly situated employees who may not have approached this Tribunal.

5. In view thereof O.A. is disposed of in above terms with no order as to costs.

MEMBER (A)

ORIGINAL APPLICATION NO.426/2021
(Dr. Abhishek Pendharkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has mentioned that G.R. issued by the G.A.D. dated 06-08-2002 does not have limited application to employees who have worked in Naxalite affected areas but other tribal areas also and that benefit has not been given to the applicant by the respondents though the posting of his choice is still available and is vacant. Secondly, he has brought to the notice with specific reference to paragraph vi) of the O.A. at page 4-5 of the paper book which reiterates that post of his choice has not been considered for giving him posting after General Transfer-2021.

3. Learned P.O. has asserted that the said G.R. of 06-08-2002 issued by the G.A.D. does not extend to tribal area per se, but it is limited to Naxalite affected areas. Moreover, the said GR of 06-08-2002 prescribes posting in district of choice and not the Veterinary Service Centers of choice. In that sense, in the instant case, posting has been given to the applicant as per his choice from present

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posting in Nashik District to Nashik District only. However, Veterinary Service Centre where he is ordered to join is not within his choice.

4. Respondent nos.1 and 2 are directed to file affidavit in reply specifically covering points submitted by the learned Advocate for the applicant and learned P.O. for the respondents. Learned P.O. is directed to produce true copies of the minutes of the meeting of the Civil Services Board and the file relating to the decision of transfer of the competent authority on the next date of hearing, as far as possible keeping in view volume of the same, so that administrative constraints in considering the applicant for posting at a center of his choice can be appreciated.

5. Any action taken on the impugned order will be subject to the outcome of this O.A. However, respondents are directed to maintain status quo till production of the above said documents i.e. till 17-08-2021.

6. Issue notices to the respondents, returnable on 17-08-2021.

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

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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 17-08-2021.

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

MEMBER (A)

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

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

DATE : 12.08.2021

ORAL ORDER :

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

2. The Master Inward Register of office of Superintendent of Police, Beed is produced. No entry of the order issued by this Tribunal for maintaining status quo is found in the said register which is an admitted position by the learned P.O. assisted by Shri Prashant Desai, Head Clerk, S.P. Office, Beed. Learned P.O. has submitted yet another document which is a Circular issued by the S.P. Office Beed dated 22-04-2021 directing all its employees to give options for general transfers from Police Head Constables for transfers of 2021. This cannot be taken on face value without attestation as evidence that the applicant was duly intimated to exercise options for posting during general transfers- 2021. Therefore, the learned P.O. is directed to produce appropriate document such as acknowledgement of the applicant as evidence that applicant was informed to give options for general transfer- 2021 in view of the Circular dated 22-04-2021

3. S.O. to 20-08-2021.

MEMBER (A)

M.A.NO.240/2020 IN O.A.ST.NO.570/2020
(Rajendra Shah Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicant and Shri D.R. Patil, the learned Presenting Officer for the respondent.

2. On the consent of the parties, this case be placed for hearing on 14-09-2021.

MEMBER (A)

M.A.NO.241/2020 IN O.A.ST.NO.569/2020
(Gangadhar Muley Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri R.A.Joshi, the learned Advocate for the applicant and Smt. M.S.Patni, the learned Presenting Officer for the respondent.

2. On the consent of the parties, this case be placed for hearing on 14-09-2021.

MEMBER (A)

M.A.NO.258/2020 IN O.A.ST.NO.1076/2020
(Suresh Ghule Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri R.A.Joshi, learned Advocate for the applicant and Smt. Sanjivani Ghate, the learned Presenting Officer for the respondent.

2. On the consent of the parties, this case be placed for hearing on 14-09-2021.

MEMBER (A)

M.A.NO.257/2020 IN O.A.ST.NO.1154/2020
(Yuvraj Kalshetty Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri R.A.Joshi, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent.

2. On the consent of the parties, this case be placed for hearing on 14-09-2021.

MEMBER (A)

M.A.NO.241/2021 IN O.A.NO.950/2019
(Jayashri Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri R.A.Joshi, learned Advocate for the applicant and Shri I.S. Thorat, the learned Presenting Officer for the respondent.

2. Proposed amendment is perused. However, it has been pointed out by the learned P.O. that at paragraph 5, page 2 of the paper book of M.A. there is an incorrect statement because the M.A.No.241/2021 has been filed on 24th June, 2021 and affidavit in reply in O.A. has been filed on 22nd October, 2020 and it has been duly served on the applicant though later. Learned Advocate for the applicant concedes to this point.

3. Learned P.O. has further pointed out that affidavit in reply on behalf of the respondent no.3 is already filed and his reply is on record. After amendment is carried out, District Health Officer, Zilla Parishad, Dhule may be allowed to join as respondent no. 4 who may file his affidavit in reply in the O.A. Therefore, the applicant may not be permitted to delete respondent no.3 Civil Surgeon, District Dhule as respondent no.3. This is agreed to by the applicant.

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M.A.NO.241/2021 IN O.A.NO.950/2019

4. M.A.No.241/2021 for amendment is allowed subject to determination of the Tribunal's jurisdiction on functionaries of Zilla Parishad by the DB, as it would not change the nature of litigation in general. Amendment be carried out by the applicant within a week's time.

5. Learned P.O. has further pointed out that this M.A.No.241/2021 has been filed after affidavit in reply in the O.A. was already submitted. Learned P.O. prays for liberty to file reply to amended portion of O.A. Liberty is granted.

6. Learned P.O. may file reply to the amended portion, if the respondents so desire.

7. S.O. to 01-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.578/2016
(C.H.Dongaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Smt. Suchita Dhongde learned Advocate holding for Shri S.D.Dhongde, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent. Shri D.T.Devane learned Advocate for respondent no.5 is **absent**.

2. At the request and by consent of both the parties case is adjourned to 21-09-2021.

MEMBER (A)

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

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri I.D.Maniyar, learned Advocate for the applicant, Smt. Sanjivani Ghate, learned Presenting Officer for the respondent and Shri P.R.Tandale learned Advocate for respondent no.4.

2. Arguments of all the parties are heard finally. At the request of parties, case is adjourned for final hearing on the limited point of calculation sheet for which the respondent may file additional affidavit before final hearing and service the copy of the same to applicant and rest of the respondents, if any of them so desires.

3. S.O. to 14-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.931/2018
(Manik Darade Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri J.S.Deshmukh learned Advocate holding for Shri V.G.Pingle, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent.

2. At the request and by consent of both the parties, case is adjourned till 21-09-2021.

MEMBER (A)

T.A. No. 01/2021 (W.P. No. 4908/2021)
(Shivaji T. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2, Shri Ujjwal S. Patil, learned Advocate for respondent Nos. 3 to 5 and Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for respondent Nos. 6 to 8.

2. Record shows that the respondent Nos. 1 and 2 have adopted and filed the copy of the affidavit in reply filed by the respondent No. 1 in O.A. No. 236 & 237 both of 2021 pending before the Principal Seat of this Tribunal at Mumbai.

3. Record further shows that affidavit in reply is filed on behalf of respondent No. 4.

4. Learned Advocate for the respondent Nos. 3 to 5 submits that the respondent Nos. 3 & 5 adopting the said affidavit in reply of respondent No. 4.

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5. Learned Advocate for the respondent Nos. 6 to 8 also submits that the respondent Nos. 6 to 8 adopting the affidavit in reply of respondent No. 4.

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

7. S.O. to 20.09.2021.

MEMBER (A)

MEMBER (J)

T.A. No. 02/2021 (W.P. No. 2612/2021)
(Samiksha R. Chandrakar & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 4 and Shri Ujjwal S. Patil, learned Advocate for respondent Nos. 5 to 10 .

2. Record shows that the affidavit in reply is filed on behalf of respondent No. 1. Learned C.P.O. submits that the respondent Nos. 2 to 4 adopting the said affidavit in reply of respondent No. 1.

3. Record further shows that affidavit in reply is filed on behalf of respondent No. 5. Learned Advocate for respondent Nos. 5 to 10 submits that the respondent Nos. 6 to 10 adopting the said affidavit in reply of respondent No. 5.

4. At the request of learned Advocate for the applicants, S.O. to 20.09.2021. Interim relief granted earlier to continue till next date.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 260 OF 2021
(Ramrao K. Yadav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that now the para-wise remarks are received and affidavit in reply will be filed shortly.

3. It is pertinent to note that, no interim relief is granted in the present O.A. During pendency of the present O.A., certain developments have taken place by way of ad-hoc promotion orders dated 08.06.2021 and 25.06.2021 issued by the respondent Nos. 5 and 6 respectively. In view of the same, the applicant was required to amend the present O.A. In view of the above, we are at pains to observe that the respondents have time to pass the alleged adverse orders during pendency of the present O.A., but have no time to file affidavit in reply. Nobody should take disadvantage of the situation. The respondents to take note of this notings.

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O.A. No. 260/2021

4. Time is granted for filing affidavit in reply to the respondents, as a last chance.

5. S.O. to 20.08.2021.

MEMBER (A)

KPB ORAL ORDERS 12.08.2021

MEMBER (J)

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

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

DATE : 12.08.2021

ORAL ORDER :

Shri K.G. Salunke, learned Advocate for the applicant (**Absent**).

Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. As none present for the applicant, S.O. to 30.09.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 95/2021 in O.A. No. 170/2021
(Shivkumar V. Chivde Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 4. None present for respondent Nos. 5 to 7.

2. Record shows that the present M.A. is pending for filing affidavit in reply of respondents.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A. Time granted as a last chance.

4. S.O. to 15.09.2021.

MEMBER (A)

MEMBER (J)

**M.A. No. 96/2021 in O.A. No. 171/2021
(Shivkumar V. Chivde Vs. State of Maharashtra & Ors.)**

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

DATE : 12.08.2021

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 4. None present for respondent Nos. 5 & 6.

2. Record shows that the present M.A. is pending for filing affidavit in reply of respondents.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A. Time granted as a last chance.

4. S.O. to 15.09.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 232/2021 in O.A. St. No. 932/2021
(Mahendra K. Wadgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri Mahendra K. Wadgaonkar, applicant in person and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notice to the respondents in M.A., returnable on 16.09.2021

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

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M.A. 232/2021 in
O.A.St. 932/2021

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 16.09.2021.

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

9. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

M.A. No. 235/2021 in O.A. St. No. 928/2021
(Gautam C. Deolalikar & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

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

2. The present Misc. Application is filed by the applicants to sue the respondents jointly.

3. Both the applicants are working on the post of Senior Clerk / Assistant Co-operative Officer under the office of respondent Nos. 1 and 2. In the Original Application, the applicants have challenged the final seniority list dated 22.07.2021 (Annexure A-8 of O.A.). Both the applicants are similarly placed and their grievance is similar and are seeking relief also same. In view of the same, it would be just and proper to grant permission to the applicant to sue the respondents jointly, in order to avoid multiplicity of litigations.

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M.A. 235/2021 in
O.A. St. 928/2021

4. Hence, the M.A. is allowed. Permission is granted to the applicants to sue the respondents jointly, subject to payment of court fee stamps, if not paid.

5. 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 (A)

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 928 OF 2021
(Gautam C. Deolalikar & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 16.09.2021
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

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O.A.St. 928/2021

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 16.09.2021.

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

9. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 130 OF 2019
(Kamlakar K. Phad Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate holding for Shri S.D. Joshi learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 542 OF 2019
(Krishna B. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri P.R. Tandale, learned Advocate for respondent No. 4. None present on behalf of respondent No. 3, though duly served.

2. At the request of learned Advocate for the respondent No. 4, time is granted for filing affidavit in reply.

3. S.O. to 15.09.2021.

MEMBER (A)

MEMBER (J)

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

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri M.S. Choudhari, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri V.B. Wagh, learned Advocate for respondent No. 4.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. Learned Advocate for respondent No. 4 submits that the respondent No. 4 adopting the said affidavit in reply of respondent Nos. 1 to 3.

4. At the request of learned Advocate for the applicant, S.O. to 20.09.2021 for filing rejoinder affidavit.

5. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 93 OF 2020
(Jayshree S. Tusamkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 2 to 4.

3. Learned Advocate for the applicant submits he has received copy of the said affidavit in reply of respondent Nos. 2 to 4 today.

4. At the request of learned Advocate for the applicant, S.O. to 20.09.2021 for filing rejoinder affidavit, if any.

5. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

C.P. No. 46/2019 in O.A. No. 153/2018
(Mukund M. Dhotre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Record shows that on 19.07.2021 i.e. on last occasion nobody was present on behalf of the applicant and on that day, following order came to be passed:-

“2. Learned P.O. for the Respondents submits that by communication dated 30.11.2019 received from the office of Respondent No.1, marked as 'X' along with order dated 04.11.2019, the order in question dated 11.07.2018 passed by this Tribunal in O.A.No.153/2018 is complied with and the Applicant Nos.1 & 2 have been promoted to the post of Clerk-Cum-Typist.

3. He further submits that by order dated 11.12.2019, 'X-2' issued by the Respondent No.2, it is stated that the Applicant No.3 does not possess requisite / required qualification as per Rule 8(1) of Service Rule and he is not

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C.P. 46/2019 in
O.A. 153/2018

eligible for promotion as ordered in the said order.

4. *In view of the same, he submits that the order in question is complied with and C.P.No.46/2019 does not survive.”*

3. In view of the above, the order in question is complied with by the respondents.

4. Learned Advocate for the applicants concedes with the above submissions made on behalf of the respondents.

5. In the facts and circumstances, the applicant No. 3 is at liberty to prosecute his appropriate remedy.

6. In view of the above, the C.P. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 424 OF 2021
(Dr. Vaibhav G. Wakade Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The applicant is challenging his impugned transfer order dated 09.08.2021 (Annexure A-2) by which he has been transferred from the present post of Live Stock Development Officer (Group-A), Veterinary Dispensary (Grade-I), Taklimiya, Tq. Rahuri, Dist. Ahmednagar to the same post at Veterinary Dispensary (Grade-I), Songaon, Tq. Rahuri, Dist. Ahmednagar. He is also challenging the G.R. dated 29.07.2021 (Annexure A-1) issued by the respondent No. 2 permitting to transfer the 35% of total working strength of employees for the financial year 2020-21 i.e. 25% General transfers and 10% transfers under Section 4(4)(ii) and 4(5) of the Transfer Act, 2005. The applicant is seeking stay to the operation and execution of the impugned order of transfer and maintenance of status quo.

3. It is contention of the applicant, the applicant before this impugned order had made representation dated 22.07.2021 (Annexure A-5) to the respondent No. 1 seeking retention for the period of one year, as his wife is working in the Water Resources Department at Rahuri, Dist. Ahmednagar and his mother is suffering from cancer and his father is suffering from heart decease. On account of transfer, he would face inconvenience because of the same, as he would require to shift his family.

4. It is further contention of the applicant that he has completed exactly three years as on the date of General Transfer. He has furnished list of the Government servants holding posts of his cadre at page No. 31 (B) to demonstrate that though the said Government servants completed more than three years, they have been retained. Perusal of the said list at page No. 31 (B) would show that remaining tenure of service of those Government servants are in the vicinity of one year and 5 months to six years. The applicant had joined the service on 21.09.2015 putting in the service of about six years.

5. That apart, at this stage, we don't know under which circumstances, those Government servants mentioned at page No. 31 (B) of paper book have been retained for more than three years. It is pertinent to note that the applicant has made representation for his retention by making representation dated 22.07.2021. Moreover, the applicant has been transferred at the place which is in the same Tahsil i.e. Rahuri Tahsil, Dist. Ahmednagar. In view of the same, we are of the considered opinion that no prima-facie case is made out by the applicant for grant of stay.

6. Hence, issue notice to the respondents, returnable on 22.09.2021

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

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O.A. 424/2021

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 22.09.2021.

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

13. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.223 OF 2020
(Divya S. Nande & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

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

2. Learned P.O. for the Respondents submits that the para-wise remarks are received and the Respondents are in the process of preparing affidavit-in-reply and it would not take more than one week.

3. Learned Advocate for the Applicant opposes the submission and submits that the Respondents have published advertisement dated 21.05.2021 on 04.08.2021 for filling vacancy of 663 posts from government quota and 664 posts from private quota and the relief sought by the Applicant is likely to be effected.

4. On the earlier date, it was submitted by the Respondents that this matter is pertaining to policy of the Government and therefore, time is consumed for preparing affidavit-in-reply.

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O.A.No.223/2020

5. The Respondents to take note that we have considered the difficulties and have granted time. As per the own submission of the Respondents on last occasion, the last chance was granted.

6. However, in the interest of justice, one more last chance is granted to the Respondents for filing affidavit-in-reply.

7. S.O. to 20.08.2021.

MEMBER (A)

MEMBER (J)

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

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri S.S. Thandale, 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 No.2 is taken on record and copy thereof has been supplied to the other side.

3. S.O. to 22.09.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.245 OF 2021 IN O.A.ST.NO.320 OF 2021
(Amol D. Jeve Vs. State of Maharashtra & Ors.)**

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. The affidavit-in-reply filed on behalf of Respondent Nos.1 to 3 in O.A.No.320/2021 is taken on record. Meanwhile, the Applicant has preferred Misc. Application No.245/2021 seeking amendment stating that the Applicant has received impugned notice of termination from the Respondent No.4 i.e. Zilla Parishad, Raigad pursuant to the impugned communication dated 09.06.2021 (Annex. 'A-12') issued by the Respondent No.3 i.e. District Collector, Beed to the Respondent No.4.

3. Admittedly, the Applicant is working as Assistant Teacher with Zilla Parishad School, Bagdande, Tal. Shrivardhan, Dist. Raigad. Record shows that objection of jurisdiction and maintainability is raised by the office. It seems that on 30.06.2021, learned Advocate for the Applicant pointed out letter dated 09.06.2021

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M.A.245/2021 IN O.A.320/2021

(Annex. 'A-12') which was issued by the Respondent No.3 and addressed to Respondent No.4. Perusal of the prayer would show that prayer (B) is directed against Respondent No.3 and prayer (C) directed against the Respondent No.4. By seeking amendment the Applicant is seeking direction only against Respondent No.4 restraining the Respondent No.4 from terminating his service. This will show that basically this Original Application is filed by the Assistant Teacher working in Zilla Parishad School, District Raigad.

4. We have to see whether this Tribunal is competent enough to grant said relief as the issue of jurisdiction is involved and it is required to be addressed by both the parties.

5. The matter is fixed for considering the jurisdiction aspect on 17.08.2021.

MEMBER (A)

MEMBER (J)

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

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri S.S. Halkude, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondent No.1 & 2. Shri Anant D. Gadekar, learned Advocate for the Respondent No.3 and Shri S.K. Sawangikar, learned Advocate for the Respondent No.4 are **absent.**

2. There is no material on record to shows that the Respondent Nos.3 & 4 were duly informed about today's circulation.

3. In view of above, S.O. to 03.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.213 OF 2018
(Balaji N. Sontakke Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. The Original Application is filed for the relief of promotion on the post of Naib Tahsildar and consequential relief of deemed date of promotion.

3. Learned Advocate for the Applicant submits that during the pendency of the Original Application, certain developments took place whereby two G.R. dated 20.04.2021 and 07.05.2021 are issued by G.A.D., Government of Maharashtra. These said two G.Rs. are taken on record and marked as document 'X' collectively for the purpose of identification. The Applicant relies upon the said two G.Rs. Hence, they are made part of the paper book.

4. By G.R. dated 20.04.2021, earlier government letter dated 29.12.2017 referred to and relied upon in this litigation is cancelled by G.A.D. By subsequent G.R. dated

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O.A.213/2018

07.05.2021, earlier G.R. dated 20.04.2021 is modified to certain extent.

5. In view of above, S.O. to 06.09.2021.

MEMBER (A)

MEMBER (J)

M.A.NO.372 OF 2018 IN O.A.NO.581 OF 2018
(Vaishali R. Barhate Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. By consent of both the parties, adjourned to 06.09.2021 for final hearing.

MEMBER (A)

MEMBER (J)

M.A.NO.521 OF 2018 IN O.A.NO.818 OF 2018
(Kishor S. Surdkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Shri G.K. Muneshwar, learned Advocate for the Applicant (**absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. As none present on behalf of the Applicant, S.O. to 06.09.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.293 OF 2019
(Babasaheb S. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

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

2. By consent of both the parties, adjourned to 22.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.412 OF 2019
(Mohd Fiaz Mohd Ibrahim Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Additional affidavit filed on behalf of the Applicant is taken on record.

3. S.O. to 08.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.165 OF 2021
(Anil Yadavrao Rokade Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the Applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent No.1 and Shri S.B. Patil, learned Advocate for the Respondent Nos.2 & 3.

2. By letter dated 17.03.2021, the Respondent No.2 remitted the appeal to Respondent No.3.

3. Learned Advocate for the Applicant today places on record communication dated 22.07.2021 with accompanying letter dated 19.05.2021. It is marked as document 'X' collectively for the purpose of identification. Thereby it is stated that the appeal is decided by the Respondent No.2. It is evident by order dated 17.03.2021, that the Respondent No.2 remitted the appeal to Respondent No.3 and contrary to that subsequently by communication dated 19.05.2021 it is stated that the Respondent No.2 has decided the said appeal.

4. It is pertinent to note that the Respondents are seeking time to file affidavit-in-reply in the matter since 16.06.2021 and 13.07.2021. Today also no reply is filed by any of the Respondents and more particularly by Respondent Nos.2 & 3.

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O.A.165/2021

5. Learned Advocate for the Respondent Nos.2 & 3 seeks time for filing affidavit-in-reply.
6. In view of above, short time is granted to Respondent Nos.2 & 3 for reply.
7. S.O. to 30.08.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.389 OF 2020
(Radhika S. Khare Vs. State of Maharashtra & Ors.)**

WITH

**ORIGINAL APPLICATION NO.390 OF 2020
(Aashatai P. Metkar Vs. State of Maharashtra & Ors.)**

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the Applicants in both the O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents in both the O.As.

2. Due to paucity of time, adjourned to 12.10.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.435 OF 2019
(Sadhu K. Lohar Vs. State of Maharashtra & Ors.)**

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondent Nos.1 to 3. None appears for respondent No.4 though duly served.

2. S.O. to 15.09.2021 for hearing at the stage of admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 425 OF 2021
(Kirtimala M. Sonwale Vs. the State of Maharashtra & Ors.)

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

DATE : 12.8.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 14.09.2021.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and

:: - 2 - :: O.A. NO. 425 OF 2021

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

7. The respondents to file affidavit in reply specifically covering the point that the applicant being lady officer what were the constraint for them to consider her transfer at the office of Taluka Agriculture Officer, Nanded, which is her third choice in addition to other points raised by the applicant in the present O.A.

8. Based on facts of the matter, no merit is found in prayer of interim relief, therefore, interim relief as per paragraph 11 of the O.A. not granted.

9. S.O. to 14.09.2021.

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

MEMBER (A)

ORAL ORDERS 12.8.2021-HDD

ORIGINAL APPLICATION NO. 427 OF 2021
(Balasaheb B. Thorat Vs. the State of Maharashtra & Ors.)

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

DATE : 12.8.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant had pointed out the fact that wife of the applicant viz. Lata Balasaheb Thorat @ Lata Namdeo Mundhe is working as Teacher in the Zilla Parishad School, Manjari, Tq. Gangapur, District Aurangabad too has not been considered and he has been put in chain transfer by transferring person from Jalna to Aurangabad and the applicant from Aurangabad District to Jalna town which violates policy of Government to keep husband and wife both being Government servant at one place as far as possible, which has not been considered. The distance between Gangapur, District Aurangabad and headquarter Jalna would be large and restrictive. Learned Advocate for the applicant has further submitted that the applicant has 17 months left for his superannuation and that fact has not been considered by the respondents while effecting his transfer. He has also referred to Government Resolution dated 9.4.2018 issued by the G.A.D. (Annexure "A-1", page-13 of paper book) and has submitted that the applicant's none of 10 choices about place of posting

:: - 2 - :: O.A. NO. 427 OF 2021

have been considered as required by the said Government Resolution.

3. Learned Presenting Officer has submitted that there is no violation of the provisions of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short hereinafter called as “the Transfer Act of 2005”) or Government Resolution issued by the G.A.D. in the month of May, 2021 & July, 2021. The applicant has rendered his entire service in Aurangabad district and mostly at Vaijapur and there is no violation of any other rules.

4. Issue notice to the respondents, returnable on 25.08.2021.

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

6. 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.

:: - 3 - :: O.A. NO. 427 OF 2021

7. 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.

8. 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.

9. S.O. to 25.08.2021.

10. Considering the facts before the Tribunal, interim relief is not granted in terms of paragraph 10 (C), (D), (E) & (F). However, transfer of the applicant will be subject to outcome of the present O.A.

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

MEMBER (A)

ORAL ORDERS 12.8.2021-HDD

ORIGINAL APPLICATION NO. 428 OF 2021
(Pravin K. Gawande Vs. the State of Maharashtra & Ors.)

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

DATE : 12.8.2021

ORAL ORDER :

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

2. Learned Presenting Officer has produced two documents on record received by him from the respondents by email as attachment and assured to submit true copies of the same by tomorrow.

3. Issue notice to the respondents, returnable on 27.08.2021.

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.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure)

:: - 2 - :: O.A. NO. 428 OF 2021

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 27.08.2021.

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

MEMBER (A)

ORAL ORDERS 12.8.2021-HDD

**ORIGINAL APPLICATION NO. 118 OF 2021
(Sunanda A. Pagare Vs. the State of Maharashtra & Ors.)**

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

DATE : 12.8.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 18.8.2021. Status quo granted earlier by this Tribunal to continue till then.

MEMBER (A)

ORAL ORDERS 12.8.2021-HDD

ORIGINAL APPLICATION NO. 215 OF 2021
(Dr. Mangesh M. Ghodke Vs. the State of Maharashtra & Ors.)

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

DATE : 12.8.2021

ORAL ORDER :

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

2. It is undisputed fact that the applicant was due for transfer and he has been transferred within Gangapur Taluka, District Aurangabad from Panchayat Samiti, Gangapur, District Aurangabad to Primary Health Center, Shendurwada, Tq. Gangapur, District Aurangabad.

3. However, learned Advocate for the applicant has mentioned that the impugned transfer order had been issued on ground of poor performance of the applicant without giving him opportunity to be heard. Moreover, impugned transfer order has been passed by the Chief Executive Officer, Zilla Parishad, Aurangabad. According to the applicant, the C.E.O. is not Competent Transferring Authority to transfer Class-I Officer.

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

5. S.O. to 1.9.2021.

MEMBER (A)

M.A. 240/2021 IN O.A. ST. 975/2021
(Suresh L. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.08.2021

ORAL ORDER :

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

2. Applicants are working as a Part Time Sweepers with the respondent no. 4. They have filed the accompanying O.A. for seeing relief of arrears of their wages as per the Government Notifications dated 15.2.2003 and 28.9.2010 (special allowance).

3. It is the contention of the applicants that the cause of action and the relief claimed by them in the accompanying are one and same.

4. In view of above, permission granted to the applicants to sue the respondents jointly to avoid multiplicity of proceedings, subject to payment of requisite court fees stamps for each of the applicants.

5. Accordingly, the present M.A. is allowed and disposed of.

6. Office to register the O.A. on due scrutiny.

MEMBER (J)

O.A. ST. 975/2021

(Suresh L. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 15.9.2021.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 15.9.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 640/2019
(Pradeep M. Kaushike Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.08.2021

ORAL ORDER :

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

2. With consent of both the sides, S.O. to 24.8.2021.

MEMBER (J)

ARJ ORAL ORDERS 12.08.2021

ORIGINAL APPLICATION NO. 832/2019
(Shaikh Nasir Shaikh Miya Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.08.2021

ORAL ORDER :

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

2. With consent of both the sides, S.O. to 7.9.2021 for final hearing.

MEMBER (J)

M.A. 515/2019 IN O.A. 834/2019
(Ravikant R. Hadoltikar Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned Advocate for respondent no. 2.

2. With consent of both the sides, S.O. to 16.9.2021.

MEMBER (J)

**M.A. 144/21 IN M.A. 218/19 IN O.A. ST. 770/19
(Punjaji S. Yelne & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants seeks time.
Time granted.

3. S.O. to 16.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 493/2020
(Prabhu G. Thakare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.08.2021

ORAL ORDER :

Shri S.K. Chavan, learned Advocate for the applicant (**leave note**). Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. In view of leave note of the learned Advocate for the applicant, S.O. to 16.9.2021.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 621/2020
(Shivkumar A. Pohal Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

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

2. Office has raised objection regarding limitation. On hearing of submissions of both the sides, it is kept open.

3. In the circumstances, issue notices to the respondents, returnable on 14.9.2021.

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

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

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. Applicants are directed to file affidavit of compliance and notice.
8. S.O. to 14.9.2021.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 290/2021
(Syad Yusuf Syal Lal & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.08.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 15.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 289/2021
(Madhukar L. Pradhan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.08.2021

ORAL ORDER :

Heard Shri Indraneel Godse, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 15.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 270/2021
(Nanda V. Solanki & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri Indraneel Godse, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply of res. nos. 2 & 3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 14.9.2021 for filing rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 201/2021
(Vasant G. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.08.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply of res. nos. 1 & 2. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 14.9.2021 for filing rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 173/2021
(Waman B. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.08.2021

ORAL ORDER :

Heard Shri G.N. Patil, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

3. S.O. to 7.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 152/2021
(Vishnu S. Misal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.08.2021

ORAL ORDER :

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

2. Learned Advocate submits that he would file rejoinder affidavit of the applicant during the course of the day. Permission as sought for is granted. Rejoinder affidavit be taken on record and copy thereof be supplied to other side.

3. S.O. to 7.9.2021. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 140/2021
(Madhukar L. Pradhan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.08.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted.
3. S.O. to 8.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 112/2021
(Gangadhar T. Belurkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.08.2021

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply of res. nos. 1 to 4. It is taken on record and copy thereof has been supplied to other side.
3. S.O. to 14.9.2021 for filing rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 103/2021

(Dr. Harischendra T. Kokani Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Rakesh Jain, learned Advocate for respondent No. 3.

2. Record shows that affidavit in reply is filed on behalf of respondent No. 3.

3. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 and 2. Same is taken on record and copy thereof has been served on the other side.

4. At the request of learned Advocate for the applicant, S.O. to 09.09.2021 for filing rejoinder affidavit.

MEMBER (J)

ORIGINAL APPLICATION NO. 56 OF 2020
(Anil S. Barkul Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

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

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

3. S.O. to 27.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 172/2021
(Baliram S. Pandule Vs. State of Maharashtra & Ors.)

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

DATE : 12.08.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply is filed on behalf of sole respondent.

3. At the request of learned Advocate for the applicant, S.O. to 08.09.2021 for filing rejoinder affidavit.

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

MEMBER (J)

DATE : 12.08.2021

ORIGINAL APPLICATION NO. 441 OF 2021

(Shriram S. Ghuge Vs. The State of Maharashtra & Ors.)

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

1. Shri S.D. Munde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 16.09.2021. The case be listed for admission hearing on 16.09.2021.
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

Date :12.08.2021

ORIGINAL APPLICATION NO.440 OF 2021

(Smt. Waheeda Fiyjojoddin Kazi V/s The State of Maharashtra & Ors.)

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

1. Smt. Suchita Dhongde, Id. Advocate for the applicant and Shri I.S. Thorat, Id. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 16.09.2021. The case be listed for admission hearing on 16.09.2021.
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