

**ORIGINAL APPLICATION NO.538/2021**  
**(Manohar Suryawanshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri U.P.Giri, learned Advocate for the Applicant and Shri S.K.Shirse, learned Presenting Officer for the Respondents.

2. The applicant has been relieved from his earlier place of posting and has joined at new place of posting. However, considering the grounds of challenging the impugned order, minutes of meeting of Civil Services Board may also be required and therefore be presented along with affidavit in reply.

3. Issue notice to the respondents, returnable on 22.10.2021.

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

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

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

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

8. S.O. to 22.10.2021.

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

**MEMBER (A)**

YUK ORAL ORDERS 14.09.2021

**ORIGINAL APPLICATION NO.580/2018**  
**(Amol Sakurskar Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri R.A.Joshi, learned Advocate for the Applicant, Shri D.R.Patil, learned Presenting Officer for the Respondent no.1 and Shri Shamsundar B. Patil learned Advocate for respondent nos.2 to 4.

2. The matter revolves around the fact that the application of the applicant for appointment on compassionate ground had been referred to the Government for condonation of delay which is slightly more than 2 years and the applicant has been informed by a communication no.जा.क्र./लाक्षेविप्राऔ/आस्था-३/२२१३ dated 27-04-2018 and the applicant has been informed that his case is unfit for consideration, and therefore, the O.A. is filed.

3. Affidavit in reply by respondent nos.2 to 4 has been filed. It is taken on record and copy thereof has been served on the other side on today itself.

4. Learned P.O. seeks time for submission of affidavit in reply on behalf of respondent no.1. Time is granted.

5. S.O. to 25-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.297/2019**  
**(Balaji Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri A.S.Deshmukh learned Advocate holding for Shri D.S.Manoorkar, learned Advocate for the Applicant, Shri D.R.Patil, learned Presenting Officer for the Respondent no.1 and Shri S.B.Mene learned Advocate for respondent nos.2 and 3.

2. At the request of learned Presenting Officer S.O. to 16-09-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.241/2019**  
**(Chandrakant Patange & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri V.B.Wagh, learned Advocate for the Applicant, Shri B.S.Deokar, learned Presenting Officer for the Respondent no.1, Shri S.B.Mene learned Advocate for respondent nos.2, 3 and 5 and Shri G.N.Patil learned Advocate for respondent no.4.

2. Learned Advocate for the applicant submits a communication dated 16<sup>th</sup> March, 2021 addressed to number of Superintending Engineers of Water Resources Department which is taken on record. Copy thereof has been served on the other side.

3. Learned P.O. files affidavit in reply on behalf of respondent no.1. It is taken on record. Copy thereof has been served on the other side.

4. S.O. to 21-09-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.83/2020**  
**(Devendra Sonar Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri Ashish Rajkar learned Advocate holding for Shri Kakasaheb B. Jadhav, learned Advocate for the Applicant and Shri M.P.Gude, learned Presenting Officer for the Respondents.

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

3. S.O. to 26-10-2021 for filing rejoinder, if necessary.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.431/2021**  
**(Sabirabi Shaikh Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 04-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.425/2021**  
**(Kirtimala Sonwale Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri Ashish B. Rajkar, learned Advocate for the Applicant and Shri M.P.Gude, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 22-09-2021.

**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 : 14.09.2021**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, this case be placed for hearing on 23-09-2021.

**MEMBER (A)**

YUK ORAL ORDERS 14.09.2021

**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 : 14.09.2021**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, this case be placed for hearing on 23-09-2021.

**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 : 14.09.2021**

**ORAL ORDER :**

Heard Shri R.A. Joshi, learned Advocate for the applicant and Shri N.U.Yadav, the learned Presenting Officer for the respondent.

2. At the request of learned Advocate for the applicant, this case be placed for hearing on 23-09-2021.

**MEMBER (A)**

YUK ORAL ORDERS 14.09.2021

**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 : 14.09.2021**

**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. At the request of learned Advocate for the applicant, this case be placed for hearing on 23-09-2021.

**MEMBER (A)**

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

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri I.D.Maniyar, learned Advocate for the Applicant, Shri M.P.Gude, learned Presenting Officer for the Respondents and Shri P.R.Tandale learned Advocate for respondent no.4.

2. Respondent no.4 has filed additional affidavit in reply. It is taken on record. Copy thereof has been served on the other side.

3. At the request and on consent of both the parties, S.O. to 30-09-2021 for final hearing.

**MEMBER (A)**

YUK ORAL ORDERS 14.09.2021

**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)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer submits that the order in question is fully complied with by the respondents. However, he is unable to produce requisite report and therefore, he seeks time for that. Time granted.

3. S.O. to 07.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**C.P. 43/2019 in M.A. 97/2012 in O.A. 817/2011  
(Dharampal U. Dethe Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri Ashish Rajkar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 and 2 and Shri K.G. Salunke, learned Advocate holding for Shri D.T. Devane, learned Advocate for respondent No. 3.

2. At the request of learned Advocate for respondent No. 3, time is granted for filing affidavit in reply.
3. S.O. to 22.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 26 OF 2020**  
**(Sanjay D. Salunke Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri Avinash Khedkar, learned Advocate holding for Shri Y.H. Jadhav, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri D.A. Madake, learned Advocate for respondent No. 19. None present for respondent Nos. 4 to 18, though duly served.

2. Learned Advocate for the applicant files rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 26.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 148 OF 2021**  
**(Dattaram U. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer files affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 2 & 3.

4. S.O. to 26.10.2021.

**MEMBER (A)**

**MEMBER (J)**

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

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri Abhijit Thombre, learned Advocate holding for Shri S.B. Solanke, learned Advocate for the applicant and Shri M.P. Gude, 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 28.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 267 OF 2021**  
**(Akshay V. Pardeshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri Abhijit Thombre, learned Advocate holding for Shri S.B. Solanke, learned Advocate for the applicant and Shri M.P. Gude, 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 28.10.2021.

**MEMBER (A)**

**MEMBER (J)**

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

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri Abhijit Thombre, learned Advocate holding for Shri S.B. Solanke, learned Advocate for the applicant and 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 28.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 324 OF 2021**  
**(Sharad D. Kothawale Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents.

3. Learned Advocate for the applicant submits that interim relief in this case is refused by the order dated 08.07.2021. He further submits that the representations dated 21.08.2019 (Annexure A-13(i)), dated 15.10.2021 (Annexure A-13(ii)) and dated 11.02.2020 (Annexure A-14) made by the applicant from time to time in respect of continuation of service as Law Officer are pending. He submits that direction can be given to the respondents to decide the same.

4. Perusal of the said representations would show that the said representations are made by the

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applicant in the background of the decision of the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur in W.P. No. 5831/2018 decided on 04.06.2019 and other relevant facts. In view of the same, the respondent No. 1 is directed to consider those representations and decide the same at the earliest.

5. S.O. to 29.10.2021 for filing affidavit in reply.

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 14.09.2021

**ORIGINAL APPLICATION NO. 342 OF 2021**  
**(Kalpana T. Shelke & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Learned Chief Presenting Officer submits that the applicant Nos. 1 and 2 are relieved from their respective post of Circle Officer on 30.06.2021 and 08.07.2021 respectively. He submitted relevant documents. Same are taken on record and are marked as document 'X' and 'X-1' for the purpose of identification.

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

4. Learned C.P.O. submits that affidavit in reply of respondent Nos. 1 and 2 is not necessary. He further submitted that he would seek instructions from the respondents as regards salary to be paid to the applicants and therefore, he seeks time. Time granted.

5. S.O. to 07.10.2021.

**MEMBER (A)**

**MEMBER (J)**

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

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Shri S.D. Joshi, learned Advocate for the applicants (**Absent**).

Heard Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 and 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent No. 3.

2. Learned Presenting Officer files affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof has been served on the other side.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 2. Time granted.

4. Learned Advocate for respondent No. 3 seeks time for filing affidavit in reply. Time granted.

5. S.O. to 25.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 201/2021 in O.A. No. 115/2018**  
**(Nagnath G. Savant & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Shri S.D. Joshi, learned Advocate for the applicants (**Absent**).

Heard Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 and 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent No. 3.

2. At the request of learned Presenting Officer for respondent Nos. 1 and 2 and learned Advocate for respondent No. 3, time is granted for filing affidavit in reply.

3. S.O. to 25.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 530 OF 2021**  
**(Priya R. Awhad Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. The present Original Application is filed by the applicant seeking direction against the respondent No. 2 i.e. the M.P.S.C to include the name of the applicant in the list of candidates, who are eligible for main examination for the post of Assistant Motor Vehicle Inspector to be held on 30.10.2021. The applicant is seeking interim relief of giving directions to the respondent No. 2 i.e. M.P.S.C. to accept the applicant's form for the main examination and further to permit her to appear in the main examination subject to final outcome of the present Original Application.

3. The applicant is holding qualification of B.E. Mechanical. She obtained the said degree in June 2017. The respondent No. 2 i.e. M.P.S.C. issued advertisement for the post of Assistant Motor Vehicle

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Inspector for pre examination 2020 (part of Annexure-A). The applicant filled in the application online on 28.01.2020 for the said post from OBC Female category. She is having requisite OBC caste certificate, Caste validity certificate and non-Creamy Layer Certificate. She made requisite payment of fees of Rs. 374/- which was applicable for Open category, though, the requisite fees for OBC category was Rs. 274/-. The applicant was issued admit card for pre-examination to be held on 15.03.2020. She also received OMR sheet and the answer key. The result of pre-examination was declared on 24.08.2021. It is the contention of the applicant that her name was not appeared in the list of the candidates who are held eligible for main examination. The applicant found that the benchmark for OBC category as well as Open Female category was 23.75. The applicant though secured 32.50 marks, she was not considered under either of the categories. She made representation dated 30.08.2021 (Page No. 99 of paper book) stating that at the time of filling application form online there was technical glitch and as such certain buttons were not operational and therefore, she could not make right choice for applying

under OBC Female category. The said representation is not yet decided by the respondent No. 2 i.e. M.P.S.C. Hence, this Original Application.

4. Learned C.P.O. opposed the submissions made on behalf of the applicant and submitted that though the applicant has raised contention as regards technical glitch, she had not raised that objection at the appropriate time and as such, continued process of selection should not be interfered into at this fag end of the matter and therefore, he seeks issuance of notices and time for filing affidavit in reply.

5. After having considered the Original Application, the submissions of the learned Advocate for the applicant and the learned C.P.O., it appears that the contention of the applicant revolves around the alleged difficulty faced by the applicant in filling in the application form for pre-examination and more particularly choosing the option of category. She has raised this contention in the present Original Application and before that in her representation dated 30.08.2021 (Page No. 99 of paper book).

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6. Contention raised by the applicant would show that she made application online for the post of Assistant Motor Vehicle Inspector on or about 28.01.2020. Admittedly she was allowed to appear for pre-examination. However, in the result declared on 24.08.2021 her name does not appear and her name is not recommended for main examination. In view of same, without going into much merit of the matter, at this stage, in our considered opinion, it would be just and proper to direct the respondent No. 2 i.e. the M.P.S.C. to consider the representation of the applicant dated 30.08.2021 wherein the issue of technical glitch is raised by the applicant. Hence, the M.P.S.C. is directed to decide the said representation dated 30.08.2021 before 20.09.2021 on its own merits and that would suffice the purpose at this stage.

7. Issue notice to the respondents, returnable on 20.09.2021.

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

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O.A. No. 530/2021

9. 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.

10. 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.

11. 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.

12. S.O. to 20.09.2021.

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

14. The present matter be placed on separate board.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 249 OF 2021**  
**(Dr. Pandit R. Rathod & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri P.H. Patil, learned Advocate holding for Shri Rakesh Jain, learned Advocate for respondent No. 6. None appeared for respondent No. 7.

2. Shri N.U. Yadav and Shri M.S. Sonawane, learned Advocates submit that they are on the panel of respondent No. 5 – the Zilla Parishad, Aurangabad and respondent No. 8 – the Zilla Parishad, Jalgaon respectively and they will file their note of appearance/ V.P. for respondent No. 5 and respondent No. 8 respectively on the next date of hearing.

3. At the request of learned P.O. as well as learned Advocates for respondent Nos. 5 & 8, time is granted for filing affidavit in reply.

4. S.O. to 27.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 251 OF 2021**  
**(Dr. Swapnil S. Ajabe & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3, 5, 7, 8 & 9. None appears for respondent Nos. 4,6,11,12,13,14 & 15.

2. Shri N.U. Yadav, learned Advocate submits that he is on the panel of respondent No. 10 – the Zilla Parishad, Aurangabad and he will file his note of appearance/ V.P. for respondent No. 10 on the next date of hearing.

3. At the request of learned P.O. as well as learned Advocates for respondent No. 10, time is granted for filing affidavit in reply.

4. S.O. to 27.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A.ST.178/2021 IN O.A.ST.717/2021**  
**(Sumit G. Dongre & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri A.V. Thombre, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. During the course of the arguments, it transpires that the applicants are required to produce the copies of respective degree certificates and mark-sheets of the degree course. Learned Advocate for the applicants seeks time to produce the same on record. Time granted.

3. S.O. to 30.9.2021.

**MEMBER (A)**

**MEMBER (J)**

**C.P.NO. 20/2017 IN O.A.NO. 718/1998**  
(S.S. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

**WITH**

**C.P.NO. 21/2017 IN O.A.NO. 1203/1999**  
(Ravji K. Bandre & Ors. Vs. State of Maharashtra & Ors.)

**WITH**

**C.P.NO. 22/2017 IN O.A.NO. 717/1998**  
(S.R. Sonar through LR Sumati Sonar Vs. State of Maharashtra & Ors.)

**WITH**

**C.P.NO. 25/2017 IN O.A.NO. 525/2002**  
(N.S. Shinde through its S.N. Shinde Vs. State of Maharashtra & Ors.)

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

**AND**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri M.H. Patil, learned Advocate for the applicants in all these cases and Shri N.U. Yadav, learned Presenting Officer for the respondents in all these cases.

2. Learned Presenting Officer for the respondents submits that some time may kindly be granted for compliance of the order in question. Time granted.

3. S.O. to 13.12.2021.

**MEMBER (A)**

**MEMBER (J)**

**C.P. 20/19 IN M.A. 97/12 IN O.A. 817/11  
(Shivaji V. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri Ashish Rajkar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Mene, learned Advocate for respondent No. 3.

2. At the request of learned Advocate for the applicant, S.O. to 4.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 14.9.2021-HDD

**C.P.NO. 2/2020 IN O.A.NO. 10/2019**  
**(Shridevi M. Mahanwar Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer for the respondents submits that as per the directions given by this Tribunal by order dated 24.8.2021 he is submitting status report. It is taken on record and marked as document 'X' for the purpose of identification.

3. S.O. to 12.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 14.9.2021-HDD

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

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Record shows that the detailed order was passed by this Tribunal on 31.8.2021 directing the learned Presenting Officer to submit necessary status report in respect of appointment to be given on third occasion by way of extension. At this stage, learned Chief Presenting Officer has produced on record a copy of communication dated 6.9.2021 received to him from Principal, Police Training Centre, Babhalgaon, Latur along with copy of letter dated 2.8.2021 of respondent No. 5 i.e. the Additional Director General of Police, Training and Special Unit, Mumbai, as well as, a copy of memo dated 25.6.2021 issued by Special Director General of Police, Training and Special Unit, M.S. Mumbai. The copies of the said documents are taken

on record and marked as document 'X-1' & 'X-2' respectively.

3. Perusal of the aforesaid documents produced on behalf of the respondents show that the Officer at the level of Additional Director General of Police has taken decision of deputing the officers of the rank of Police Inspector and above to teach law subject instead of Law Officer. In this regard, learned Advocate for the applicant raised the contention that this communication would go against the policy decision of the State.

4. In view of the above, learned Chief Presenting Officer is directed to place on record short affidavit on behalf of the respondents and more particularly respondent Nos. 1 & 2, on the next date of hearing.

5. S.O. to 28.9.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A. 163/21 IN REV.ST.371/21 IN T.A.1/16 (W.P.115/16)  
(Maharashtra Public Service Commission through its  
Secretary Mumbai & Ors. Vs. Abhay G. Sanap)**

**WITH**

**C.P.8/21 IN T.A.1/16 (W.P.115/16)  
(Abhay G. Sanap Vs. State of Maharashtra & Ors.)**

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

**AND**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 14.09.2021**

**ORAL ORDER :**

Shri M.B. Kolpe, learned Advocate for the applicant in M.A. No. 163/21, Shri S.D Munde, learned Advocate for the applicant in C.P. No. 8/21 In T.A. 1/16 (W.P. 1158/16) and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both these cases.

2. Both these proceedings are arising out of order dated 12.2.2021 passed by the Hon'ble Division Bench of Principal Seat at Mumbai in T.A. No. 1/2016 (W.P. No. 115/2016). It is not disputed that the T.A. No. 1/2016 (W.P. No. 115/2016) was pending before this Tribunal Bench at Aurangabad. However, at the relevant time same was placed before the Hon'ble Principal Seat at Mumbai as the Aurangabad Bench of this Tribunal had become non-functional due to retirement of all its members. Accordingly, the matter

**:: - 2 - :: M.A. 163/21 IN REV.ST.371/21  
IN T.A.1/16 (W.P.115/16)**

came to be decided by the Hon'ble Principal Seat at Mumbai. Respondent No. 2, Maharashtra Public Service Commission, in T.A.1/2016 has filed M.A. No. 163/2021 in Rev. St. No. 371/2021 seeking condonation of delay and reviewing the said order dated 12.2.2021 passed by the Hon'ble Division Bench of Principal Seat of this Tribunal at Mumbai.

3. Affidavit in reply is filed by the respondent No. 1 herein, who was applicant in T.A. No. 1/2016 (W.P. No. 115/2016). Preliminary objection is raised in affidavit in reply by the respondent No. 1 stating that if the Member or Members, who decided the matter, is/ are available, the review petition should be entertained by such Bench though this matter originally belongs to the Aurangabad Bench.

4. Heard Shri M.B. Kolpe, learned Advocate for the applicant in M.A. No. 163/21, Shri S.D Munde, learned Advocate for the applicant in C.P. No. 8/21 In T.A. 1/16 (W.P. 1158/16) and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both these cases.

**:: - 3 - :: M.A. 163/21 IN REV.ST.371/21  
IN T.A.1/16 (W.P.115/16)**

5. Shri M.B. Kolpe, learned Advocate for respondent No. 2 – M.P.S.C. submitted that this matter originally belongs to the Aurangabad Bench of this Tribunal and only for non-availability of the Bench the matter was being decided by the Hon'ble Division Bench of Principal Seat at Mumbai and, therefore, the review petition will have to be entertained by the Aurangabad Bench of this Tribunal. Shri S.D. Munde, learned Advocate for the applicant in T.A. No. 1/2016 opposed the submission made by Shri M.B. Kolpe, learned Advocate for respondent No. 2.

6. In view of the controversy as above, in our considered opinion, this matter is to be referred to the Hon'ble Chairperson for seeking guidance/direction in the matter.

**MEMBER (A)**

**MEMBER (J)**

**M.A. 210/2020 IN O.A. 57/2020**  
**(Vrushali B. Tambe Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the parties, S.O. to 29.9.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 14.9.2021-HDD

**M.A.NO. 601/2019 IN O.A.ST.2211/2019  
(Maharashtra Rajya Rakhachitra Sakha Karmachari  
Sanghatana Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the parties, S.O. to 25.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 14.9.2021-HDD

**M.A. 257/2021 IN O.A. 252/2021**  
**(Arati A. Ghatkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the parties, S.O. to 29.9.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 14.9.2021-HDD

**M.A. 276/2021 IN O.A. 614/2018**  
**(Dr. Minakshi B. Pathak Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Rahul Pawar, learned Advocate for respondent Nos. 4 & 5.

2. At the request and by consent of both the parties, S.O. to 01.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 14.9.2021-HDD

**M.A. 285/21 IN M.A. 212/21 IN O.A. 694/18  
(Somnath S. Reddy Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3, Shri M.S. Sonwane, learned Advocate for respondent No. 4 and Shri Ajay S. Deshpande, learned Advocate for respondent Nos. 5 & 6.

2. Learned Advocate for the applicant has filed rejoinder affidavit in M.A. No. 285/2021 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 15.9.2021. Interim relief granted earlier in M.A. No. 212/2021 in O.A. No. 694/2018 to continue till next date of hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 374 OF 2018**  
**(Girish B. Deshmukh Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the parties, S.O. to 30.9.2021.

**MEMBER (A)**

**MEMBER (J)**

**O.A. 436/17 M.A. 463/19 WITH T.A. 3/21 (W.P.  
NO.3742/21)  
(Shreya B. Mamode Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Ms. Angha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request and by consent of both the parties, S.O. to 6.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 663 OF 2017**  
**(Subhash M. Pakhale Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the parties, S.O. to 7.10.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 14.9.2021-HDD

**ORIGINAL APPLICATION NO. 39 OF 2018**  
**(Ravi S. Wankhade Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri Sandesh R. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed rejoinder affidavit along with certain documents and the same is taken on record and copy thereof has been served on the learned Presenting Officer.

3. At the request and by consent of both the parties, S.O. to 8.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 476 OF 2018**  
**(Aasha S. Khairnar Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri Sandesh R. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request and by consent of both the parties, S.O. to 8.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 406 OF 2018  
(Arun S. Gosavi Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the parties, S.O. to 11.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 532/2021**  
**(Kaviraj J. Kucche Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2. Shri N.B. Narwade, learned Advocate has filed his V.P. for respondent no. 3.

2. During the course of argument, it reveals that there is controversy as regards relieving of the applicant as well as res. no. 3 respectively and exact joining time of the res. no. 3 at the place held by the applicant.

3. In view of above, learned C.P.O. for res. nos. 1 & 2 and learned Advocate for res. no. 3 to take necessary instructions on the above line till tomorrow.

4. S.O. to 15.9.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 533/2021**  
**(Diwakar M. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. This O.A. is filed challenging the order dtd. 1.9.2021 issued by the res. no. 2 the Agricultural Commissioner, M.S., Pune thereby it is directed to launch criminal prosecution against the applicant for the alleged misappropriation of Government money to the tune of Rs. 4,78,000/-.

3. The applicant was appointed as a Agricultural Supervisor on 24.3.1981. After completion of 36 years service, the applicant retired from the service as a Circle Agricultural Officer w.e.f. 30.6.2017. The impugned order / communication dtd. 1.9.2021 is issued by the res. no. 2 after lapse of 4 years of retirement of the applicant. According to the applicant, the said action of the res. no. 2 is barred in view of the provisions of 27 (3) of M.C.S. (Pension) Rules, 1982. The applicant, therefore, seeks interim

::-2-:: **ORIGINAL APPLICATION NO. 533/2021**

stay to the operation and execution of the impugned order dtd. 1.9.2021.

4. In order to support his above contentions, the learned Advocate for the applicant has placed reliance on the observations of Hon'ble High Court of Judicature at Bombay in the case of **Keshav Ramchandra Pangare Vs. State of Maharashtra & Ors. (1998 (3) Mh.L.J. 836)**, wherein it is held as under :-

*“Held, that under Rule 27 (3) of the Maharashtra Civil Service (Pension) Rules 1982, it is clearly laid down that the prosecution if at all to be launched before the court against a retired government servant, for any offence committed while he was in service, it should be done within four years from the date of commission of the offence. In the present case, admittedly, the offence, was committed during 1981-82 and the prosecution was instituted in the special court in the year 1990. Evidentially, the said prosecution was barred under Rule 27 (3) of the Rules, as it was filed after 4 years after commission of the offence.”*

5. Learned P.O. opposed the submissions of the learned Advocate for the applicant and submitted that

::-3-::                   **ORIGINAL APPLICATION NO. 533/2021**

he will take instructions from the respondents and would file affidavit in reply.

6. Considering the above facts and circumstances, it appears that the impugned action contemplated in the impugned order / communication dtd. 1.9.2021 is against the provisions of rule 27(3) of M.C.S.(Pension) Rules, 1982 and also the law laid down by the Hon'ble High Court of Judicature at Bombay in the case of **Keshav Ramchandra Pangare Vs. State of Maharashtra & Ors.** (supra). In view thereof, in my view, this is a fit case to grant interim stay in terms of prayer clause para 10 (A) of the O.A. to the implementation and operation of the impugned order dtd. 1.9.2021 issued by the res. no. 2. Ordered accordingly.

7. Issue notices to the respondents, returnable on 20.10.2021.

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

9. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

::-4-:: **ORIGINAL APPLICATION NO. 533/2021**

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.

10. 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.

11. 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.

12. S.O. to 20.10.2021.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 537/2021**  
**(Balasaheb B. Khairnar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. This O.A. is filed challenging the transfer order dtd. 7/9/2021 issued by the res. no. 3 thereby transferring the applicant from the post of Sr. Clerk, Project Office, Dhule to the office of Project Office, Yawal, Dist. Jalgaon. The applicant is a physically handicapped person suffering with 43% disability as per the disability certificate dtd. 13.5.2020 (page 50). Applicant is working on the post of Sr. Clerk in the office of res. no. 4 i.e. the Project Officer, Integrated Tribal development Project, Dhule since issuance of the promotion order of the applicant dtd. 13.6.2019 (Annex. A-1). He has completed only tenure of 2 years and 2 months on the said post and therefore the impugned order dtd. 7.9.2021 (Annex. A-2) is midterm and midtenure order.

**::-2-:: ORIGINAL APPLICATION NO. 537/2021**

3. It is the contention of the applicant that the said order of his transfer is issued in contravention of clause no. 4 of G.R. dtd. 29.7.2021 (page 21) as well as the Govt. Circular dtd. 15.12.2004 (page 16) issued by the Govt. mentioning therein that the disabled person to be accommodated near his residential address. In view of the same the applicant seeks interim stay to the execution and implementation of the impugned order dtd. 7.9.2021. It is also submitted that till today the applicant is not relieved from the present post.

4. Per-contra, learned P.O. opposed the submissions of the learned Advocate for the applicant and submits that the transfer order is issued by observations the provisions of section 4(4)(ii) and 4(5) of the Transfer Act, 2005. He seeks time for filing affidavit in reply of the respondents.

5. After having considered the facts and circumstances of the case, it is clear that the applicant is a disabled person. Therefore, while considering his transfer at any point of time, the authorities has to take into consideration the convenience of the disabled person in accordance the guidelines given in Govt. Circular dtd. 15.12.2004 (Annex. A-4 page 16).

**::-3-:: ORIGINAL APPLICATION NO. 537/2021**

6. In this regard, clause (4) of G.R. 29.7.2021 is required to be taken into consideration, which is as follows :-

*“४) सर्वसाधारण बदल्यांची कार्यवाही पूर्ण झाल्यानंतरच, जी पदे रिक्त राहतील केवळ अशा रिक्त पदांवरच विशेष कारणास्तव बदल्या दि. १० ऑगस्ट, २०२१ ते दि. ३० ऑगस्ट, २०२१ या कालावधीपर्यंत अनुज्ञेय राहतील. सबब, जे पद रिक्त नाही अशा पदावरील कार्यरत अधिकारी/कर्मचारी यांची अन्यत्र बदली करून अशा पदावर विशेष कारणास्तव बदली करता येणार नाही.”*

7. In the background of G.R. dtd. 29.7.2021 if case of the applicant is considered, it is evident that the vacant posts were to be filled in during 10.8.2021 to 30.8.2021. The applicant has been transferred on the vacant post from his present post by the impugned order dtd. 7.9.2021. Therefore, special reasons and the exceptional circumstances are required to be taken into consideration. No details about the same are reflected in the impugned order.

8. In view of above, in my view, this is a fit case to grant interim stay to the implementation and operation of the impugned order dtd. 7.9.2021 till filing of affidavit in reply by the respondents. Ordered accordingly.

**::-4-:: ORIGINAL APPLICATION NO. 537/2021**

9. Issue notices to the respondents, returnable on 20.10.2021.

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 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.

**::-5-:: ORIGINAL APPLICATION NO. 537/2021**

14. S.O. to 20.10.2021.

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

**MEMBER (J)**

ARJ ORAL ORDERS 14.09.2021

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

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Record shows that the applicant has already filed rejoinder affidavit. Thus, the pleadings are already completed till filing of rejoinder affidavit. The matter pertains to transfer.

4. S.O. to 30.9.2021 for hearing at the stage of admission.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 12/2020**  
**(Vaibhav V. Chandle & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri H.P. Jadhav, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 27.9.2021 for final hearing.

**MEMBER (J)**

ARJ ORAL ORDERS 14.09.2021

**ORIGINAL APPLICATION NO. 23/2021**  
**(Nagnath P. Telgane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. With the consent of both the sides, S.O. to 11.10.2021

**MEMBER (J)**

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

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 14.09.2021**

**ORAL ORDER :**

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

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 535/2021**  
**(Anilkumar R. Rajput Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant seeks permission to withdraw the present O.A. as the applicant does not wish to prosecute the O.A. He has also filed written pursis signed by the applicant in that regard. It is taken on record and marked as document 'X' for the purpose of identification.

3. I have no reason to refuse the permission to the applicant to withdraw the present O.A. Accordingly the applicant is allowed to withdraw the present O.A.

4. In the circumstances, the present O.A. stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 502/2021**  
**(Rana P. Pardeshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 18.10.2021.

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

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**O.A. NO. 502/2021**

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 18.10.2021.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 523/2021**  
**(Munjaba N. Soundarmal Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 18.10.2021.

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

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**O.A. NO. 523/2021**

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 18.10.2021.

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

**MEMBER (J)**

**M.A. 111/2018 IN O.A. ST. 412/2018**  
**(Abdul Rakhīb Gulam Nabi Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 12.10.2021

**MEMBER (J)**

ARJ ORAL ORDERS 14.09.2021

**M.A. 270/2018 IN O.A. ST. 1034/2018**  
**(Pandurang B. Nilewar Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 12.10.2021

**MEMBER (J)**

**M.A. 505/2019 IN O.A. ST. 2039/2019**  
**(Imranoddin E. Shaikh & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. With the consent of both the sides, S.O. to 13.10.2021

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 444/2021**  
**(Shivkumar A. Pohal Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri M.S. Choudhari, 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 today only he has filed service affidavit in the Registry. Thus, it is not necessary to await for service of notice on the respondents.

3. Learned C.P.O. seeks time for filing affidavit in reply of the respondents. Time granted.

4. S.O. to 18.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 411/2021**  
**(Bharat L. Bhillare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 14.09.2021**

**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 P.O. seeks time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 13.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 410/2021**  
**(Tulsiram D. Bakle Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

Heard Shri K.A. Ingle, 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 today only he has filed service affidavit in the Registry. Thus, it is not necessary to await for service of notice on the respondents.

3. Learned C.P.O. seeks time for filing affidavit in reply of the respondents. Time granted.

4. S.O. to 20.10.2021.

**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 : 14.09.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted.
3. S.O. to 12.10.2021.

**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 : 14.09.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted.
3. S.O. to 20.10.2021.

**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 : 14.09.2021**

**ORAL ORDER :**

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

2. Applicant & his learned Advocate are absent.

3. In the circumstances, S.O. to 18.10.2021 for filing rejoinder affidavit.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 210/2020**  
**(Suresh B. Hillikar Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.09.2021**

**ORAL ORDER :**

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

2. Record shows that respondent nos. 1 to 3, 5 & 6 have already filed their affidavit in reply in the present matter. Learned P.O. submits that affidavit in reply of respondent no. 4 is not necessary. So also, learned Advocate for the applicant submits that applicant does not wish to file rejoinder affidavit.

3. In the circumstances, the present case is admitted.

4. S.O. to 12.10.2021 for final hearing.

**MEMBER (J)**