

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

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

DATE : 15.07.2021

ORAL ORDER :

Heard Shri R.B.Ade, learned Advocate for the Applicant and Shri I.S.Thorat, learned Presenting Officer for the Respondents.

2. This matter be treated as part heard.
3. S.O. 06-08-2021.

MEMBER (J)

YUK ORAL ORDERS 15.07.2021

ORIGINAL APPLICATION NO.322 OF 2021
(Shri Kantilal K. Naglod Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2021

ORAL ORDER :

1. Heard Shri A.A. Khande, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. S.O. to 02.08.2021.

MEMBER (J)

ORAL ORDERS 15.07.2021-SAS

ORIGINAL APPLICATION NO.13 OF 2021
(Shri Ajaykumar B. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2021

ORAL ORDER :

Heard Ms. Nidhi V. Loya, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the Applicant, Shri D.R. Patil, learned Presenting Officer for the Respondent Nos.1 to 3 and Shri Thoke Patil, learned Advocate for the Respondent No.4.

2. Record shows that affidavit-in-reply is filed on behalf of the Respondent Nos.1 to 3.
3. Learned Advocate for the Respondent No.4 seeks time to file affidavit-in-reply. Time granted.
4. S.O. to 18.08.2021.

MEMBER (J)

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

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

DATE : 15.07.2021

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondent No.1. Shri S.B. Patil, learned Advocate for the Respondent No.2 to 4 is **absent**.

2. At the request of learned P.O. for the Respondent No.1, S.O. to 13.08.2021 for filing affidavit-in-reply.

MEMBER (J)

Later on:-

Shri S.B. Patil, learned Advocate for the Respondent Nos.2 to 4 present and submits that he will file affidavit-in-reply on the next date.

MEMBER (J)

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

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

DATE : 15.07.2021

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned Advocate for the Applicant, Shri I.S. Thorat, learned Presenting Officer for the Respondent No.1. Shri S.B. Patil, learned Advocate for the Respondent No.2 & 3 is **absent**.

2. At the request of learned P.O. for the Respondent No.1, S.O. to 13.08.2021 for filing affidavit-in-reply.

MEMBER (J)

Later on:-

Shri S.B. Patil, learned Advocate for the Respondent Nos.2 & 3 present and submits that he will file affidavit-in-reply on the next date.

MEMBER (J)

M.A.NO.166/2021 IN O.A.NO.117/2021
(Shri Sudhir R. Tambe Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2021

ORAL ORDER :

Heard Shri Ajit B. Gaikwad-Patil, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant submits that the Applicant has retired on superannuation w.e.f. 30.06.2021. The Applicant does not wish to proceed with this Misc. Application and seeks permission to withdraw the present Misc. Application.

3. Permission to withdraw the present Misc. Application No.166/2021 is granted.

4. In view of above, the Misc. Application No.166/2021 is disposed of as withdrawn. No order as to costs.

MEMBER (J)

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

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

DATE : 15.07.2021

ORAL ORDER :

Heard Shri Ajit B. Gaikwad-Patil, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Record shows that affidavit-in-reply is filed on behalf of the Respondent Nos.2 to 4.
3. Learned Advocate for the Applicant does not wish to file affidavit-in-rejoinder.
4. Considering the nature of proceedings, the matter is fixed for hearing at the stage of admission.
5. S.O. to 13.08.2021.

MEMBER (J)

M.A.NO.72/2020 IN O.A.NO.539/2018
M.A.NO.73/2020 IN O.A.NO.704/2018
M.A.NO.74/2020 IN O.A.NO.551/2018
M.A.NO.75/2020 IN O.A.NO.550/2018
M.A.NO.76/2020 IN O.A.NO.379/2018
M.A.NO.77/2020 IN O.A.NO.538/2018
M.A.NO.78/2020 IN O.A.NO.408/2018
M.A.NO.85/2020 IN O.A.NO.537/2018
M.A.NO.93/2020 IN O.A.NO.536/2018
(Dr. Nagorao A. Khupse & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the Applicants all the M.As. and Shri M.S. Mahajan, learned C.P.O., Shri V.R. Bhumkar, Shri M.P. Gude, Shri B.S. Deokar, Smt. Sanjivani K. Deshmukh-Ghate, Smt. M.S. Patni, Shri D.R. Patil and Shri I.S. Thorat, respective learned Presenting Officers for Respondents in respective M.As.

2. At the request of learned C.P.O. and respective learned Presenting Officers, time is granted for filing affidavit-in-reply.

4. S.O. to 18.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.892/2019
(Shri Naganath M. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2021

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. The matter is closed for order.

MEMBER (J)

ORAL ORDERS 15.07.2021-SAS

ORIGINAL APPLICATION NO.955/2018

(Shri Madhukar K. Sapdhare Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2021

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondent Nos.1 to 3. None present on behalf of the Respondent Nos.4 & 5.

2. The matter is fixed today by way of urgent circulation.

3. In view of the same, it is fixed for final hearing on 11.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.447/2020

(Smt. Vaishali V. Hinge Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2021

ORAL ORDER :

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

2. This is part-heard matter. Learned Advocate for the Applicant submits that during arguments on the last occasion, it is noticed that the contents of para.no.4(ix) and ground no.III of the Original Application which are legal submissions are made to plead who is the competent transferring authority as per Section 6 of the Transfers Act and the approval authority thereof.

3. He submits that inadvertently the said legal submissions are incorrect to some extent and therefore, he seeks permission to substitute the contents thereof.

4. As the substitution is called for correcting the legal submissions, the Applicant is permitted to substitute the contents of the Original Application as stated above.

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O.A.447/2020

6. At the request of the learned Advocate for the Applicant, S.O. to 27.07.2021.

MEMBER (J)

ORAL ORDERS 15.07.2021-SAS

M.A.NO.149/2019 IN O.A.ST.NO.413/2019
(Shri Bharat Z. Patil Vs. State of Maharashtra & Ors.)

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

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

DATE : 15.07.2021

ORAL ORDER :

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

2. Learned P.O. for the Respondents has filed affidavit-in-reply on behalf of the Respondent Nos.1 to 4. The same is taken on record and copy thereof has been served on the other side.

3. S.O. to 17.08.2021.

MEMBER (J)

ORAL ORDERS 15.07.2021-SAS

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

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

DATE : 15.7.2021

ORAL ORDER :

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

2. The present Original Application is filed to quash and set aside the impugned letter dated 04.02.2021 along with charge sheet dated 09.01.2021 issued by the respondent No. 6 and respondent No. 3 and for seeking further directions to the respondent authorities to release regular pension, grant pensionary benefits, increments for the period from 2014 to 2017, regularizing suspension period and pay arrears towards the suspension period and pay arrears towards the suspension period. The applicant is seeking interim relief of directions to the respondents not to proceed in pursuance to the charge sheet dated 9.1.2021. The applicant retired from Government service w.e.f. 31.7.2017 on attaining the age of superannuation from his post of Sectional Engineer.

3. Admittedly, before his retirement he was put under suspension as per order dated 10.3.2015 (Annexure 'A-1').

Thereafter, he was reinstated by an order dated 27.12.2016 (Annexure 'A-2') subject to the departmental enquiry. The respondents have initiated departmental enquiry after retirement of the applicant on superannuation by serving charge sheet dated 9.1.2021 through letter dated 4.2.2021 (Annexure 'A-6').

4. Learned Advocate for the applicant submits that the applicant has been charge-sheeted for the alleged financial irregularities done by the applicant from the period from 10.6.2004 to 31.12.2009. Learned Advocate for the applicant further submits that as per rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982, no departmental enquiry can be instituted in respect of any event which took place more than four years of such institution.

5. On the other hand, learned Chief Presenting Officer for the respondents opposed the submissions made on behalf of the applicant and contended that he would file affidavit in reply within a period of two weeks. According to him, this is not a fit case for grant of interim relief.

6. After having considered the facts as stated above, *prima facie*, it does not appear that all of sudden the respondents have initiated the departmental enquiry. It has been much before the retirement of the applicant on superannuation. In view of the same, at this *prima facie*

stage, it cannot be said that the alleged action of the respondents comes in the teeth of rule 27 (2) (b) (ii) as sought to be submitted by the learned Advocate for the applicant. Hence, at this stage I am not inclined to grant interim relief. Hence, prayer for grant of interim relief made by the applicant is hereby rejected.

7. Issue notice to the respondents, returnable on 12.08.2021.

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 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

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O. A. NO. 338 OF 2021

Registry before due date. Applicant is directed to file affidavit of compliance and notice.

12. S.O. to 12.08.2021.

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

14. The present case be listed on separate board.

MEMBER (J)

ORAL ORDERS 15.7.2021-HDD

ORIGINAL APPLICATION NO. 339 OF 2021
(Arun S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

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

2. S.O. to tomorrow i.e. on 16.7.2021 for orders.

MEMBER (J)

ORAL ORDERS 15.7.2021-HDD

C.P.NO. 40/2019 IN O.A.NO. 798/2018
(Rajendrakumar P. Barhate Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

Shri Sachin S. Deshmukh, learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 25.8.2021.

MEMBER (J)

ORAL ORDERS 15.7.2021-HDD

ORIGINAL APPLICATION NO. 117 OF 2019
(Sainath K. Matkar Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 25.8.2021 for hearing at the stage of admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 670 OF 2018
(Kishan A. Falke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

Heard Shri Prasad D. Jarare, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 25.8.2021 for hearing at the stage of admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 320 OF 2020
(Santosh N. Dhongade Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant,
S.O. to 26.8.2021 for hearing at the stage of admission.

MEMBER (J)

**ORIGINAL APPLICATION NO. 454 OF 2020
(Ambadas Popat Lagad Vs. State of Maharashtra & Ors.)**

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

DATE : 15.7.2021

ORAL ORDER :

Heard Shri Suhas R. Shirsath, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 26.8.2021 for hearing at the stage of admission.

MEMBER (J)

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

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

DATE : 15.7.2021

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 12.8.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 849 OF 2018
(Dr. Vinod A. Kakade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

Heard Shri Santosh G. Chapalgaonkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 9.8.2021 for final hearing.

MEMBER (J)

M.A.NO. 356/2019 IN O.A.ST.NO. 1530/2019
(Ranjana D. Jaybhaye Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 20.8.2021.

MEMBER (J)

ORAL ORDERS 15.7.2021-HDD

ORIGINAL APPLICATION NO. 81 OF 2020
(Sudarshan N. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 27.08.2021.
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 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 27.08.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present case be listed on separate board.

MEMBER (J)

C.P.NO. 36/2019 IN O.A.NO. 229/2015
(Dr. Bhaskar S. Borgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

Shri P.R. Tandale, learned Advocate for the applicant
(**absent**). Shri M.S. Mahajan, learned Chief Presenting
Officer for the respondents, present.

2. At the request of learned Presenting Officer, S.O. to
27.8.2021 for filing affidavit in reply.
3. The present case be listed on separate board.

MEMBER (J)

ORAL ORDERS 15.7.2021-HDD

C.P.NO. 37/2019 IN O.A.NO. 230/2015
(Dr. Dilip R. Tandale Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

Shri P.R. Tandale, learned Advocate for the applicant
(**absent**). Smt. M.S. Patni, learned Presenting Officer for
the respondents, present.

2. At the request of learned Presenting Officer, S.O. to
27.8.2021 for filing affidavit in reply.
3. The present case be listed on separate board.

MEMBER (J)

ORAL ORDERS 15.7.2021-HDD

C.P.NO. 9/2021 IN O.A.NO. 70/2018
(Dadabhau T. Parte Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for
the applicant and Smt. Sanjivani Deshmukh-Ghate,
learned Presenting Officer for the respondents.

2. Await service for respondent Nos. 2 & 3.
3. S.O. to 17.8.2021.
4. The present case be listed on separate board.

MEMBER (J)

ORAL ORDERS 15.7.2021-HDD

ORIGINAL APPLICATION NO. 501 OF 2020
(Dr. Prashant B. Shamkuwar Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 27.8.2021 for filing rejoinder affidavit, if any.

4. The present case be listed on separate board.

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)
(The present case is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 15.7.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 27.8.2021 for filing affidavit in reply.
4. The present case be listed on separate board.

MEMBER (J)

ORIGINAL APPLICATION NO. 250 OF 2021
(Riyajkhan A. Faruki Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

Heard Shri Taher Ali Quadri, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 27.8.2021 to enable her for filing affidavit in reply.
3. The present case be listed on separate board.

MEMBER (J)

ORIGINAL APPLICATION NO. 308 OF 2021
(Nita Bhimrao Magare Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

Shri S.S. Jadhavar, learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, present.

2. Await service. S.O. to 30.8.2021.
3. The present case be listed on separate board.

MEMBER (J)

M.A.NO. 453/2019 IN O.A.ST.NO. 1700/2019
(Tambe S. Govind Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

Heard Shri Taher Ali Quadri, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A. No. 453/2019 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 27.8.2021.

MEMBER (J)

ORAL ORDERS 15.7.2021-HDD

M.A.NO. 60/2021 IN O.A.NO. 85/2021
(Dr. Balaji M. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the
respondents, S.O. to 17.8.2021 to enable him for filing
affidavit in reply.

3. The present case be listed on separate board.

MEMBER (J)

ORAL ORDERS 15.7.2021-HDD

M.A.NO. 192/2021 IN O.A.NO. 258/2021
(Laxman N. Sormare Vs. State of Maharashtra & Ors.)

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

DATE : 15.7.2021

ORAL ORDER :

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

2. Record shows that by an order dated 9.6.2021 notices were issued to the respondents in the O.A. At that stage of the matter, learned Advocate for the applicant had pressed for grant of ad interim relief to the effect that the respondent Nos. 2 & 5 be directed to keep one post vacant for the post of Reserve Police Sub-Inspector (R.S.I.). The said submissions of the applicant were opposed by the learned Chief Presenting Officer by that time. Thereafter, the matter was adjourned to 8.7.2021. Before the returnable date i.e. 8.7.2021 the respondents were served. On 8.7.2021, at the request of learned Presenting Officer the O.A. was adjourned to 3.8.2021 for filing affidavit in reply. In the meanwhile this M.A. is filed by the applicant seeking interim relief seeking directions to the respondent Nos. 2 & 5 not to issue promotion orders for the post of Reserved Police Sub-Inspectors (R.S.I.) and also to keep one

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post of Reserved Police Sub-Inspector (R.S.I.) vacant till disposal of the Original Application. In the order dated 9.6.2021 it was observed that it is desirable to have affidavit in reply of the respondents before considering the prayer of the applicant for grant of ad interim relief.

3. In view of the above-said scenario in order to avoid further precipitation of the matter and to avoid multiplicity of the proceedings, in my opinion it would be just and proper to grant ad interim relief in terms of prayer in paragraph 15 (C) of this application at this stage by issuing directions to the respondent Nos. 2 & 5 to keep one post of Reserved Police Sub-Inspector (R.S.I.) vacant till filing of the affidavit in reply by the respondents in the O.A. It is ordered accordingly.

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.

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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. Steno copy and Hamdast is allowed to both parties.

11. The present case be listed on separate board.

MEMBER (J)

ORAL ORDERS 15.7.2021-HDD