

**M.A. No. 309/2020 in O.A. No. 431/2020**  
**(Sujit D. Borkar Vs. Purushottam g. Khule & State of Maharashtra & Ors.)**  
**(Speaking to Minutes)**

**CORAM : A.D. KARANJKAR, MEMBER (J)**

**DATE : 17.12.2020**

**ORAL ORDER :**

Heard Shri S.D. Joshi, Learned Advocate for the applicant in M.A., Shri Ajay Deshpande, learned Advocate for the respondent No. 1 (original applicant) and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for respondent No. 1 (Original Applicant) that in the order dated 14.12.2020 inadvertently it is mentioned that the representation dated 07.09.2020 (Annexure A-4 collectively of O.A.) be considered, it should have been Annexure A-6 collectively of O.A. dated 07.09.2020. Leave as prayed for is granted to correct the said.

3. Office to make the necessary correction in the matter.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 570 OF 2020**  
**(Abasaheb M. Ingle Vs. State of Maharashtra & Ors.)**

**CORAM : A.D. KARANJKAR, MEMBER (J)**

**DATE : 17.12.2020**

**ORAL ORDER :**

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

2. The applicant is permitted to circulate the matter today.

3. Issue notices to the respondents, returnable on 07.01.2021.

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

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

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

//2//

O.A. No. 570/2020

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 07.01.2021.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 556 OF 2020**  
**(Umakant L. Bedse Vs. State of Maharashtra & Ors.)**

**CORAM : A.D. KARANJKAR, MEMBER (J)**

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

**DATE : 17.12.2020**

**ORAL ORDER :**

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

2. It is contention of the applicant that in the cadre of Superintendent and officer of equivalent cadre, the applicant was senior to Shri Avinash Govind Gangurde and now the department is taking initiative to promote Shri Avinash Govind Gangurde, who was junior to the applicant. It is submitted that the representation is already made by the applicant to the Government and in pursuance of it, the Government as pleased to issue direction to the Commissioner, Tribal Development, Nasik to take decision on the representation made by the applicant and one another officer Shri Santosh Raut. It is grievance of the applicant that the competent authority is intending to promote without waiting for the decision and report of the Commissioner on the representation made by the

//2//

O.A. No. 556/2020

applicant and therefore, there is a need to interfere in the matter and otherwise no prejudice will be caused to the applicant.

3. I have also heard submissions of the learned Chief Presenting Officer. There is substance in the contention of the applicant that grave prejudice will cause to the applicant if officer junior to him is promoted. Therefore, it is necessary to issue direction to the respondent Nos. 1 and 2 not to proceed with the promotion till compliance of the order dated 09.05.2019 issued by the Government of Maharashtra, which is at page No. 50 of paper book of the O.A.

4. Issue notices to the respondents, returnable on 20.01.2021.

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

//3//

O.A. No. 556/2020

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.

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 20.01.2021.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 768 OF 2019**  
**(Balasaheb T. Deshmukh Vs. State of Maharashtra & Ors.)**

**CORAM : A.D. KARANJKAR, MEMBER (J)**

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

**DATE : 17.12.2020**

**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 of learned Advocate for the applicant, S.O. to 12.01.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 386 OF 2020**  
(Ganga S. Suryawanshi Vs. State of Maharashtra & Ors.)

**WITH**

**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 : A.D. KARANJKAR, MEMBER (J)**

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

**DATE : 17.12.2020**

**ORAL ORDER :**

Heard Shri J.M. Murkute, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent No. 3 in all these matters. Same is taken on record and copy thereof has been served on the other side.

3. It is submission of the applicants that they have passed the Departmental Examination within prescribed period and prescribed chances, but their seniority is revised by the respondents without considering the law and there is likelihood of superseding them and likely hood of their reversion on



//2// O.A. Nos. 386/2020 & Ors.

the basis of revised seniority list. In this background, the applicants are submitting that the respondents be restrained from proceeding with the promotion and liberty to the applicant during pendency of the O.A.

4. In this background, the respondents are directed to decide the objection of the applicant and to decide the same on the basis of law laid down in the O.A. 354/2015 decided by the Principal Seat of this Tribunal at Mumbai on 03.02.2017 and Rules framed by the Government of Maharashtra applicable to the applicants and without hearing the applicants they shall not pass any order.

5. Pleadings are complete. Hence, the O.As. are admitted and it be kept for final hearing in due course of time.

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 1210 OF 2020**  
**(Prakash Bhagwanrao Ghadgine Vs. State of Maharashtra & Ors.)**

**CORAM : A.D. KARANJKAR, MEMBER (J)**

**DATE : 17.12.2020**

**ORAL ORDER :**

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

2. My attention is invited to Annexure A-12 (page No. 35 of the paper book) proposal made by the Sub-Divisional Engineer, Labh Kshetra Vikas Pradhikaran, Beed i.e. the respondent No. 2 to the Superintending Engineer, Vigilance Squad, Aurangabad i.e. the respondent No. 3. It is prayer of the applicant that direction be given to the Superintending Engineer, Aurangabad i.e. the respondent No. 3 to decide the proposal dated 06.08.2020 (Annexure A-12, page No. 35 of the paper book) within stipulated time. If this relief is granted, no prejudice will be caused to the respondents. Hence, I direct the respondent No. 3 i.e. the Superintending Engineer, Aurangabad to take decision on the proposal dated 06.08.2020 (Annexure A-12, page No. 35 of the paper book) within a period of three months from the receipt of this order.

3. Accordingly, O.A. stands disposed of with no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 898 OF 2019**  
**(Babu Kisan Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : A.D. KARANJKAR, MEMBER (J)**

**DATE : 17.12.2020**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the request was made by the applicant for giving him deemed date of promotion and considering his request, the respondent No. 4 forwarded the proposal dated 30.12.2016 to the respondent No. 3, but till today no decision is taken by the respondent No. 3.

3. In view of the matter, the respondent No. 3 is directed to take decision on the proposal dated 30.12.2016 (Annexure A12, page No. 56 of paper book) within a period of three months from the receipt of this order.

4. Pleadings are complete. Hence, the O.A. is admitted and it be kept for final hearing in due course.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 291 OF 2020**  
**(Dr. Minakshi B. Pathak Vs. State of Maharashtra & Ors.)**

**CORAM : A.D. KARANJKAR, MEMBER (J)**

**DATE : 17.12.2020**

**ORAL ORDER :**

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

2. It is grievance of the applicant that she stood retired on 30.06.2018 on attaining the age of superannuation, but till today her pension case is not prepared and forwarded to the Accountant General and retiral benefits are not released. It is submitted that the direction be given to the respondents to release retiral benefits to the applicant and to prepare and forward her pension case to the concerned authority for approval.

3. In view of this, the respondent No. 2 is directed to prepare and forward the pension case of the applicant to the concerned authority and to release all retiral benefits to the applicant or to show cause within two weeks why it is not permissible.

4. S.O. in due course.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 516 OF 2020**  
**(Ankush Shrirang Hiwale Vs. State of Maharashtra & Ors.)**

**CORAM : A.D. KARANJKAR, MEMBER (J)**

**DATE : 17.12.2020**

**ORAL ORDER :**

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

2. The applicant has filed pursis dated 17.12.2020 and submitted that he does not want to proceed with the present O.A. and he permitted to withdraw the same.

3. Leave granted to the applicant to withdraw the O.A. The Original Application stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**M.A.NO.321/2020 IN O.A.NO. 99/2018**  
**(Shri Sanjay R. Patange Vs. State of Maharashtra & Ors.)**

**CORAM : A.D. KARANJKAR, MEMBER (J)**

**DATE : 17.12.2020**

**ORAL ORDER :**

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

2. Admittedly, Applicant is physically handicapped person with 43% permanent disability. The Respondent no.4 referred the Applicant vide Anx.'A-4' for medical examination and called the opinion of the Medical Board regarding fitness of the Applicant.

3. Being aggrieved by this action, the Applicant approached the Competent Authority appointed to examine physically handicapped persons and after hearing the matter the authority passed the order dated 30.12.2019 and directed the Respondent No.4 to give all benefits to the Applicant as per provision of *Rights of Persons with Disability Act, 2016*.

4. Learned Advocate of the Applicant submitted that in spite of this order, the Respondent No.4 has passed order on 30.10.2020 and observed that the period from 19.08.2017 to 02.04.2018 i.e. total period of 226 days has

//2//

M.A.321/2020 IN O.A.99/2018

treated as 132 days earned leave and 94 days period is treated as extraordinary leave.

5. Now, it is apprehension of the Applicant that there is every likelihood that the respondents would recover the amount from the Applicant and it is in violation of law.

6. It is submitted that the Respondent No.4 did not provide suitable work to the Applicant as per the provision of act and treated that the Applicant is absent from the duty. It is submitted that this approach of the Respondent No.4 is contrary to law.

7. In view of above, the Respondents are directed not to recover any amount from the Applicant till final disposal of the O.A.

8. M.A.No.321/2020 is disposed of accordingly with no order as to costs.

**MEMBER (J)**

SAS ORAL ORDERS 17.12.2020

**ORIGINAL APPLICATION NO. 99/2018**  
**(Shri Sanjay R. Patange Vs. State of Maharashtra & Ors.)**

**CORAM : A.D. KARANJKAR, MEMBER (J)**

**DATE : 17.12.2020**

**ORAL ORDER :**

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

2. By consent adjourned to 14.01.2021.

**MEMBER (J)**

SAS ORAL ORDERS 17.12.2020



**ORIGINAL APPLICATION NO. 569/2020**  
**(Shri Tejas L. Malwadkar Vs. State of Maharashtra & Ors.)**

**CORAM : A.D. KARANJKAR, MEMBER (J)**

**DATE : 17.12.2020**

**ORAL ORDER :**

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

2. I have perused the impugned order Anx. 'A-5' dated 16.12.2020. As per this order Shri R.R. Patil who is Respondent No.3 is posted as Assistant Commissioner, Social Welfare Department, Nanded on promotion.

3. It is submitted by the Applicant that the Respondent No.3 is promoted and posted in place of the Applicant at Nanded. It is submitted that in the impugned transfer order in para no.4 it is observed that so far as the Applicant is concerned, he is relieved forthwith and separate orders will be issued about his posting.

4. After perusal of this order, prima-facie it is clear that the Applicant was not due for transfer but only for giving convenient posting to the Respondent No.3, the Applicant was transferred and he is kept in hanging position and for doing so no reason is mentioned in the order.

5. Secondly, without following the procedure of Rule 31 of the M.C.S. (General Conditions of Services) Rules, 1981 and without recording any reason, the Applicant is unilaterally relieved from the duty. Rule 31 (b) and (c) as is under :-

- (b) For special reasons which must be expressed on the face of the order and be of a public nature, a competent authority may permit the charge to be made over elsewhere.
- (c) In exceptional circumstances, which should be recorded, a competent authority may permit the charge of a post to be made over in the absence of the relieved Government servant by letter or by telegram at or outside the headquarters of the post.

6. It was incumbent on transferring authority to record special reason and exceptional circumstances due to which it was necessary to relieve the Government servant without following procedure under Rule 29 and 30. In absence of it, I compel to say that *prima-facie* the order is illegal.

7. Learned Advocate for the Applicant submitted that till today, the Respondent No.3 has not joined the duty and the Applicant is functioning on the post at Nanded.

8. In view of this, the status-quo as on today be maintained till further order.

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O.A.569/2020

9. Issue notices to the respondents, returnable on 14.01.2021.
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.
14. S.O. to 14.01.2021
15. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**Date : 17.12.2020**

**ORIGINAL APPLICATION NO.559/2020  
(Smt. Vishranti Bhagwan Giri V/s State of  
Maharashtra & Ors.)**

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

1. Shri A.C. Deshpande, ld. Advocate for the applicant and Smt. Deepali S. Deshpande, ld. P.O. for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 30.03.2021. The case be listed for admission hearing on 30.03.2021.

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 : 17.12.2020**

**ORIGINAL APPLICATION NO.553/2020**

**(Shri Bhujang M. Khedkar V/s State of Maharashtra & Ors.)**

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

1. Shri A.S. Deshmukh, ld. Advocate for the applicant and Shri M.S. Mahajan, ld. C.P.O. for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 30.03.2021. The case be listed for admission hearing on 30.03.2021.

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 : 17.12.2020**

**ORIGINAL APPLICATION NO.571/2020  
(Shri Madhukar R. Mapari V/s State of  
Maharashtra & Ors.)**

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

1. Shri A.S. Deshmukh, Id. Advocate for the applicant and Shri M.P. Gude, Id. P.O. for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 30.03.2021. The case be listed for admission hearing on 30.03.2021.
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 : 17.12.2020**

**ORIGINAL APPLICATION NO.555/2020**

**(Dr. Mangal S. Dadar V/s State of Maharashtra & Ors.)**

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

1. Shri J.S. Deshmukh, Id. Advocate for the applicant and Shri M.S. Mahajan, Id. C.P.O. for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 15.02.2021. The case be listed for admission hearing on 15.02.2021.
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 : 17.12.2020**

**ORIGINAL APPLICATION NO.554/2020  
(Dr. Rajendra D. Pendharkar V/s State of  
Maharashtra & Ors.)**

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

1. Shri J.S. Deshmukh, Id. Advocate for the applicant and Shri V.R. Bhumkar, Id. P.O. for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 15.02.2021. The case be listed for admission hearing on 15.02.2021.
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**