

M.A. No. 72/2020 in O.A. No. 539/2018
(Dr. Nagorao A. Khupse Vs. State of Maharashtra & Ors.)

With

M.A. No. 73/2020 in O.A. No. 704/2018
(Dr. Dayanand N. Sonawane Vs. State of Maharashtra & Ors.)

With

M.A. No. 74/2020 in O.A. No. 551/2018
(Dr. Satyakala B. Garad Vs. State of Maharashtra & Ors.)

With

M.A. No. 75/2020 in O.A. No. 550/2018
(Dr. Kishor R. Jadhav Vs. State of Maharashtra & Ors.)

With

M.A. No. 76/2020 in O.A. No. 379/2018
(Dr. Kanchan T. Bhorge Vs. State of Maharashtra & Ors.)

With

M.A. No. 77/2020 in O.A. No. 538/2018
(Dr. Chandramohan B. Harne Vs. State of Maharashtra & Ors.)

With

M.A. No. 78/2020 in O.A. No. 408/2018
(Dr. Anand N. Bargade Vs. State of Maharashtra & Ors.)

With

M.A. No. 85/2020 in O.A. No. 537/2018
(Dr. Sumit S. Waghmare Vs. State of Maharashtra & Ors.)

With

M.A. No. 93/2020 in O.A. No. 536/2018
(Dr. Chandrakant S. Shendkar Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicants in all these cases and S/shri M.S. Mahajan, M.P. Gude, V.R. Bhumkar, S.K. Shirse, N.U. Yadav, B.S. Deokar, D.R. Patil, Smt. Sanjivani K. Deshmukh-Ghate & Smt. M.S. Patni learned Chief Presenting Officer and Presenting Officers for the respective respondents in respective cases.

//2// M.A. 72/2020 in
O.A. 539/2018 & Ors.

2. All these O.As. are filed seeking regularization of services of the respective applicants on the post of Medical Officer. During pendency of the present Original Applications, it was transpired that the representation was made by the association of Medical Officer, of which the applicants are also members. The said representation was dated 19.05.2017. This Tribunal by the order dated 20.06.2019 directed the respondents to take appropriate decision on the basis of case law cited in the said order. The said representation was directed to be decided within a period of three months therefrom.

3. Thereafter, the respondents decided the said representation by the order dated 15.01.2020 (Annexure A-3 (ii) of the M.A.). In view of the same, the applicants want to challenge the said order and the present M.As. are filed seeking requisite amendment to that effect in the respective O.As. Though, affidavit in replies are not filed to the M.As. by the respondents, in my opinion, no prejudice will to be caused to the respondents by allowing the said proposed amendment, when the proposed amendment is necessary to decide the real controversy of the parties

//3// M.A. 72/2020 in
O.A. 539/2018 & Ors.

and respondents would file appropriate affidavits in reply in the respective O.As. to amended pleadings.

4. Hence, the all the M.As. are allowed. The applicants shall carry out necessary amendment in the O.As. within a period of two weeks. Accordingly, all the M.As. are disposed of with no order as to costs.

MEMBER (J)

C.P. 53/2019 IN O.A. 207/2018
(Dr. Vijay P. Sonavane Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 15.11.2021.

MEMBER (J)

C.P. 54/2019 IN O.A. 338/2019
(Dr. Govind K. Reddy Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, and Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 4 and Shri P.R. Tandale, learned Advocate for respondent no. 5.

2. Reply of respondent no. 5 is yet to be filed.

3. As the Division Bench is not available today, S.O. to 15.11.2021.

MEMBER (J)

C.P. 56/2019 IN O.A. 421/2017
(Dr. Shamrao L. Sawant Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021

ORAL ORDER :

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

2. Reply of respondents is yet to be filed.
3. As the Division Bench is not available today, S.O. to 15.11.2021.

MEMBER (J)

C.P. 57/2019 IN O.A. 335/2017
(Dr. Ganpati N. Wadekar Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. As the Division Bench is not available today, S.O. to 15.11.2021.

MEMBER (J)

C.P. 58/2019 IN O.A. 23/2018

(Dr. Archana C. Pergulwar Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

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

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

3. As the Division Bench is not available today, S.O. to 15.11.2021.

MEMBER (J)

C.P. 59/2019 IN O.A. 423/2017
(Dr. Pandurang G. Pawde Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

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

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

3. As the Division Bench is not available today, S.O. to 15.11.2021.

MEMBER (J)

C.P. 60/2019 IN O.A. 422/2017
(Dr. Sheshrao M. Narwade Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

3. As the Division Bench is not available today, S.O. to 15.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 25/2019
(Dnyaneshwar D. Kale Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

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

2. Learned Advocate has filed rejoinder affidavit to the affidavit in reply of respondent nos. 1 to 4. It is taken on record and copy thereof is supplied to the learned P.O.

3. As the Division Bench is not available today, S.O. to 20.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 425/2020
(Sachin U. Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent nos. 1 to 4 and Shri M.B. Bharaswadkar, learned Advocate for respondent nos. 5, 6 & 11. None appears for other respondents.

2. Learned P.O. seeks time for filing affidavit in reply of res. nos. 1 to 4. Time granted.

3. As the Division Bench is not available today, S.O. to 27.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 523/2020
(Rajkumar G. Sonawane Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

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

2. Learned P.O. has filed affidavit in reply of res. no. 1. It is taken on record and copy thereof has been supplied to other side.
3. As the Division Bench is not available today, S.O. to 27.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 591/2020
(Anil S. Burkul Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. As the Division Bench is not available today, S.O. to 27.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 280/2021
(Laxman H. Garud & Anr. Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

Heard Shri Jiwan Patil, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.D. Dhongde, learned Advocate for respondent no. 5. None appears for respondent no. 4 though duly served.

2. Learned P.O. has filed affidavit in reply of respondent no. 3. It is taken on record and copy thereof has been supplied to other side.

3. As the Division Bench is not available today, S.O. to 28.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 281/2021
(Kusum M. Bhise & Anr. Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

Heard Shri Jiwan Patil, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 3, Shri Vishal A. Bagdiya, learned Advocate for respondent no. 4 and Shri Amol G. Vasmatkar, learned Advocate for respondent no. 5.

2. Learned P.O. has filed affidavit in reply of respondent no. 3. It is taken on record and copy thereof has been supplied to other side.

3. It reveals from the record that affidavit in reply of other respondents is awaited.

4. As the Division Bench is not available today, S.O. to 28.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 345/2021
(Suvarna R. Jadhav Vs. State of Maharashtra & Ors.)

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

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

DATE : 18.08.2021

ORAL ORDER :

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

2. The Division Bench is not available.
3. Learned P.O. seeks time for filing affidavit in reply of the respondents. Time granted.
4. S.O. to 8.9.2021.

MEMBER (J)

M.A. 111/2021 IN O.A. ST. 439/2021
(Shivaji T. Kote & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The Division Bench is not available.
3. Affidavit in reply of the respondents is awaited.
4. S.O. to 16.9.2021 for filing affidavit in reply by the respondents.

MEMBER (J)

O.A. Nos. 539, 704, 551, 550, 379, 538, 408, 537 & 536 All of 2018

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

DATE : 18.08.2021.

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicants in all these O.A. and S/shri M.S. Mahajan, M.P. Gude, V.R. Bhumkar, S.K. Shirse, N.U. Yadav, B.S. Deokar, D.R. Patil, Smt. Sanjivani K. Deshmukh-Ghate & Smt. M.S. Patni learned Chief Presenting Officer and Presenting Officer for the respective respondents in respective O.As.

2. At the request of learned Presenting Officers, time is granted for filing affidavit in reply in all these O.As.

3. S.O. to 23.09.2021.

MEMBER (J)

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

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

DATE : 18.08.2021.

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Thoke Patil, learned Advocate for respondent No. 4.

2. Record shows that affidavit in reply is already filed on record on behalf of respondent Nos. 1 to 3.

3. At the request of learned Advocate for the respondent No. 4, time is granted as a last chance for filing affidavit in reply.

4. S.O. to 21.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 52 OF 2021
(Dr. Rekha G. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

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

2. Await service of notices on the respondents.
3. S.O. to 22.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 134 OF 2021
(Rupali R. Chougule Vs. State of Maharashtra & Ors.)**

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

DATE : 18.08.2021.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Bhushan Bandiwadekar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 22.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 269 OF 2021
(Kishor G. Narwade Vs. State of Maharashtra & Ors.)**

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

DATE : 18.08.2021.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 03.09.2021.

MEMBER (J)

**M.A. No. 122/2021 in O.A. St. No. 503/2021
(Ranjana B. Solat Vs. State of Maharashtra & Ors.)**

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

DATE : 18.08.2021.

ORAL ORDER :

Dr. Swapnil Tawhsikar, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, 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 in M.A..

3. S.O. to 22.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 438 OF 2021
(Sambhaji K. Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 18.08.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 23.09.2021.

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

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

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

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O.A. No. 438/2021

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

7. S.O. to 23.09.2021.

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

9. The present matter be placed on separate board.

MEMBER (J)

**ORIGINAL APPLICATION NO. 442 OF 2021
(Nikhil S. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 18.08.2021

ORAL ORDER :

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

2. The present Original Application is filed challenging the impugned order of transfer of the applicant dated 09.08.2021 (Annexure A-1), whereby the applicant has been transferred from Jalna-315 to Beed-318.

3. The applicant is serving as a Food Safety Officer. He is working with the respondent No. 3 since 12.06.2017 at Jalna-315. He was due for transfer in the General Transfers of the year 2021. The respondents called the options by the communication dated 30.07.2021 (Annexure A-3). The applicant falls under the cadre of Physically Handicapped category. The applicant filed options as per Annexure A-4 dated 31.07.2021. In the options submitted by the applicant there was Yavatmal-252 at Sr. No. 2, Aurangabad-221 at Sr. No. 8 and Akola-249 at Sr. No. 9. Despite at the

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said locations the posts are lying vacant, the applicant has been transferred to different location i.e. at Beed-318, which was not requested by the applicant in the option form. The option of Yavatmal-252 requested by the applicant is difficult location, but the applicant was ready to work there. But the respondents given go-bye to the options requested by the applicant and by the impugned transfer order he has been transferred at different location i.e. at Beed-318.

4. Learned Advocate for the applicant invited my attention to the requisite G.R. dated 09.04.2018 (Annexure A-2). From the said G.R. more particularly he invited my attention to the guidelines in respect of physically handicapped person, which appears at page No. 26 of paper book. He submits that the said guidelines have not been followed by the respondents. The applicant has categorically stated in paragraph No. 6 of the O.A. that even after passing the transfer order dated 09.08.2021, three posts viz. Yavatmal-252, Aurangabad-221 and Akola-249 are still vacant.

5. Learned Presenting Officer submits that the applicant has already been relieved from his present post and as such, no interim relief can be granted. He

submits that guidelines provided are for administrative convenience along with options called from the Government servants and therefore, prima-facie no fault can be found in the impugned order of transfer.

6. After having considered rival submissions and documents on record, it is seen that the transfer of the Government servant is to be considered within parameters of the G.R. dated 09.04.2018 issued by the G.A.D, Maharashtra Government. The applicant is disabled person and as such guidelines which are applicable to the disabled persons appearing at page No. 26 of paper book would be relevant. Whether the respondents have exercised it's power of transfer as per relevant provisions of the G.Rs. can be considered after affidavit in reply is filed by the respondents. But that apart, at this stage, it is demonstrated that though the posts requested for by the applicant viz. Yavatmal-252, Aurangabad-221 and Akola-249 are still vacant, the applicant was posted at different location. In view of this, it is to be seen as to why the applicant could not be posted at one of those vacant posts and what was the administrative convenience. Considering this aspect, in my opinion, at this stage, the interest of applicant will have to be protected by

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passing interim relief of directing the respondents to keep those three posts viz. Yavatmal-252, Aurangabad-221 and Akola-249 vacant till affidavit in reply is filed by the respondents. Accordingly, interim relief is granted.

7. Issue notice to the respondents, returnable on 23.09.2021.

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.

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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 23.09.2021.

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

14. The present matter be placed on separate board.

MEMBER (J)

ORIGINAL APPLICATION NO. 453 OF 2021
(Indrajeet M. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021

ORAL ORDER :

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

2. The applicant has filed the present Original Application challenging his impugned transfer order dated 29.07.2021 (Annexure A-1) issued by the respondent i.e. the Superintendent of Police, Beed, whereby the applicant has been transferred from his post of Police Head Constable at Police Station, Georai, Dist. Beed to Police Head Quarter, Beed, Dist. Beed. Thereafter, by the order dated 05.08.2021 (Annexure A-3) the applicant was promoted from the post of Police Head Constable to the post of Assistant Sub-Inspector and he was posted at Georai only. The applicant has been relieved from the Police Station Georai on 10.08.2021.

3. It is the contention of the applicant that by the earlier order dated 07.09.2020 (Annexure A-2), he was transferred from Police Station Ambhora, Dist. Beed to

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O.A. No. 453/2021

Police Station Georai, Dist. Beed. The applicant was working at Police Station, Ambhora from the year 2014 till he was transferred by the order dated 07.09.2020 (Annexure A-2). In view of the same, the applicant has completed tenure at Georai only for about 10 months. However, the applicant has been shown to be transferred in the General transfers stating that it is effected after completion of tenure.

4. Learned Advocate for the applicant invited my attention to the provisions of Section 22N of the Maharashtra Police Act. As per Section 22N (1)(b) of the said Act, the normal tenure of police constabulary under which the applicant falls is of five years at one place of posting. Sub section 2 of Section 22N deals with mid-tenure transfers on exceptional grounds.

5. In view of the above, learned Advocate for the applicant submits that the impugned order of transfer of the applicant is mid-tenure transfer order, but it is not issued by following the due procedure laid down under Sub-section 2 of Section 22N of the Maharashtra Police Act. In view of the same, he submitted that the impugned order is liable to be stayed.

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O.A. No. 453/2021

6. Learned Presenting Officer opposes the submissions made on behalf of the applicant. He submits that the applicant has been relieved from his present post on 10.08.2021 and as such, the applicant is not entitled for interim order of stay.

7. After considering rival submissions and the documents on record, prima-facie, it is apparent that the impugned order of transfer of the applicant dated 29.07.2021 is in contravention of the provisions of Section 22N of the Maharashtra Police Act, as the applicant has not completed tenure of five years on his present posting. It is pertinent to note that the applicant has been promoted as per order dated 05.08.2021 (Annexure A-3) from the post of Police Head Constable to the post of Assistant Sub-Inspector, thereby he was posted at Georai Police Station only. It is not known as to whether the separate transfer order of the applicant is issued transferring him as Assistant Sub-Inspector from Police Station Georai, Dist. Beed to the Police Head Quarter, Beed. In these circumstances, the applicant can join at his transferred post in accordance with law under protest. In these circumstances, it is difficult to grant interim

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O.A. No. 453/2021

stay to the execution and implementation of the impugned transfer order.

8. Issue notice to the respondents, returnable on 23.09.2021.

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

10. 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.

11. 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.

12. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in

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O.A. No. 453/2021

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

13. S.O. to 23.09.2021.

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

15. The present matter be placed on separate board.

MEMBER (J)

M.A. No. 253/2021 in O.A. St. No. 1057/2021
(Shyamsunder S. Ramdasi & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned Advocate
for the applicant and Shri D.R. Patil, learned
Presenting Officer for the respondents.

2. As the Division Bench is not available today, S.O.
to 25.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 455 OF 2021
(Anil T. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 25.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 463 OF 2021
(Payal P. Tathe Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate
for the applicant and Shri M.P. Gude, learned
Presenting Officer for the respondents.

2. As the Division Bench is not available today, S.O.
to 25.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 182 OF 2019
(Dr. Devidas L. Lavhate Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 20.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 249 OF 2019
(Ashok R. Khandagale Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 27.09.2021.

MEMBER (J)

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

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

DATE : 18.08.2021.

ORAL ORDER :

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

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

3. S.O. to 20.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 488 OF 2013
(Dr. Anil R. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate holding for Shri Milind Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. As the Division Bench is not available today, S.O. to 30.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 440 OF 2018
(Shivaji D. Sirsat Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri C.S. Jagtap, learned Advocate for respondent No. 5.

2. As the Division Bench is not available today, S.O. to 16.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 443 OF 2018
(Jagannath W. Vispute Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 22.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 927 OF 2018
(Shamrao N. Kadam & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

Heard Shri V.P. Savant, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. As the Division Bench is not available today, S.O. to 23.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 384 OF 2019
(Vinayak B. Kapse & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 01.09.2021.

MEMBER (J)

M.A. No. 233/2021 with O.A. No. 722/2019
(Arvind D. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants in the M.A. No. 233/2021, Shri Ajay S. Deshpande, learned Advocate for the respondent Nos. 5 to 9 in the present M.A. (applicants in O.A.), Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondent Nos. 1 to 3, Shri M.B. Kolpe, learned Advocate for the Respondent No. 4, Shri A.S. Deshmukh, learned Advocate for the Respondent Nos. 5, 6, 71, 87, 150, 198, 211, 229, 369, 489, 511, 528, 625, 628 & 629 in O.A., Shri G.K. Kshirsagar, learned Advocate for the Respondent Nos. 221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627 in O.A., Shri Mohit Deshmukh, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Respondent Nos. 15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554 in O.A. and Shri Sandeep Dere, learned Advocate for Respondent Nos. 248, 412, 20, 22, 23, 30, 33, 36, 58, 60, 75, 78, 79, 84, 90, 92, 94, 109, 111, 115, 117, 121, 123, 126, 130, 132, 133, 158, 162, 171, 173, 177, 178, 180, 189, 196, 200, 205, 209, 210, 213, 216, 218, 226, 240, 255, 258, 260, 267, 271, 272, 594, 277, 279, 298, 303, 309, 315, 320, 326, 339, 343, 349, 351, 359,

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M.A. 233/2021 with
O.A. 722/2019

372, 377, 382, 390, 391, 400, 402, 407, 411, 415, 417, 422, 426, 428, 436, 442, 450, 451, 453, 325, 456, 458, 467, 475, 477, 478, 479, 488, 491, 500, 502, 512, 514, 517, 533, 535, 536, 541, 545, 550, 367, 560, 563, 565, 568, 569, 596, 603, 618, 619, 624, 626, 630, 634, 636 & 638 in O.A.

2. The M.A. No. 233 /2021, which is made by third parties, be placed before the Division Bench for considering prayer made by them.

3. Order dated 16.07.2021 shows that four respondent being respondent Nos. 105, 317, 443 & 458 were not served in O.A.

4. Learned C.P.O. submits that he would seek correct addresses of those respondents by the next date. He further submits that affidavit in reply of respondent Nos. 1 to 3 is under process of preparation.

5. Learned Advocate for respondent No. 4 has filed affidavit in reply in O.A. Same is taken on record and copy thereof has been served on the other side.

6. In view of the above, short time is granted for filing affidavit in reply on behalf of other respondents.

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M.A. 233/2021 with
O.A. 722/2019

7. As observed hereinabove, four respondents are yet to be served for want of correct addresses of those four respondents and considering the fact that this matter is time bound made by the Hon'ble Supreme Court, serious efforts are expected from the learned Chief Presenting Officer to provide correct addresses of those un-served respondents, so that all the respondents can be served on the next date.

8. S.O. to 27.08.2021.

MEMBER (J)

KPB/ ORAL ORDERS 18.08.2021

ORIGINAL APPLICATION NO.457 OF 2021
(Shri Sahil A. Kankale Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021

ORAL ORDER :

Heard Smt. M.R. Jamdhade, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. The Applicant has challenged the impugned transfer order dated 09.08.2021 (Exh. 'D'), whereby the Applicant has been transferred from Nanded to Hadgaon. The Applicant is working as a male staff nurse. He was working at Nanded under couple convenience. His wife is also working at Nanded. He was working at Nanded since 2014 whereby his wife is working since 2015.

3. It is the specific contention of the Applicant that during counseling session, it was revealed that three posts of Staff Nurse were vacant at Ardhapur. However, the Applicant was not considered at any of the posts thereof. On the contrary, the Respondent No.5 was considered for one of the posts thereof, though she falls under category no.7 which is below the couple convenience category at category no.5.

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O.A.No.457/2021

4. The Applicant has been already relieved from the post held by him at Nanded. The Applicant can join the transferred post at Hadgaon under protest. Even the contention of Respondent No.5 would be required to be considered. Hence, at this stage, no any interim relief is granted.

5. In view of the same, Issue notices to the Respondents, returnable on 24.09.2021.

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

7. 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.

8. 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.

9. 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.

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O.A.No.457/2021

10. S.O. to 24.09.2021.
11. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

SAS ORAL ORDERS 18.08.2021

ORIGINAL APPLICATION NO.458 OF 2021
(Shri Mahendra K. Yangade Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021

ORAL ORDER :

Heard Smt. M.R. Jamdhade, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Issue notices to the Respondents, returnable on 24.09.2021.

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

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

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

//2//

O.A.No.458/2021

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 24.09.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO.459 OF 2021
(Rameshwar B. Khanal Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. The Original Application is filed challenging the impugned transfer order of the Applicant dated 14.08.2021 (Annex. 'A-6') whereby the Applicant has been transferred from his present post of Police Inspector at Bhoom Police Station, District Osmanabad to C.I.D.

3. It is the contention of the Applicant that as per order dated 29.05.2014 issued by Respondent No.2, the Applicant was promoted from the post of Assistant Police Inspector (API) to Police Inspector (PI) and was posted at Police Training Centre Akola on promotion by transferring from Aurangabad Rural.

4. However, the said order was modified and modified order dated 25.06.2014 (page no.23 of P.B.) was issued. Thereby the Applicant was posted at Police Training Centre, Jalna. Thereafter, by order dated 04.08.2015 (Annex.'A-2') issued by the Respondent No.2, the Applicant was transferred to Jalna in Aurangabad range. Thereafter,

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O.A.459/2021

as per order dated 18.02.2019 issued by the Respondent No.3, the Applicant was transferred to Osmanabad District.

5. In view of the same, the Applicant has not completed either requisite period of eight years in Aurangabad range or requisite four years period in Osmanabad District and as such, he was not due for transfer.

6. It is the further contention of the Applicant that by impugned order dated 14.08.2021 (Annex. 'A-6'), the Applicant has been transferred and it is mentioned that the same is request transfer. It is, however, categorical contention of the Applicant that he has never made such request for transfer and the said impugned order of transfer is in contravention of provision of Section 22 (N) of Maharashtra Police Act. The Applicant has specifically stated that as on the date of filing the Original Application i.e. yesterday on 17.08.2021, the Applicant was not relieved from his present post.

7. Learned Advocate for the Applicant makes the submission across the bar that the Applicant has not been relieved from his present post at Bhoom, District Osmanabad as on today also.

8. Learned P.O. on the other hand submits that he would take necessary instructions and seeks time for filing affidavit-in-reply.

9. After having considered the facts of the case as disclosed in the application and documents annexed, it is apparent that the impugned order of transfer is said to be request transfer. The Applicant however, states on oath that he never made any application or otherwise any request for his transfer.

10. In such circumstances, in my opinion, if interim relief of stay to the execution and implementation of the said order is not granted, irretrievable prejudice is likely to be caused to the Applicant.

11. In view of the same, interim relief in terms of prayer clause 12(D) is granted till filing of reply by the Respondents.

12. Issue notices to the Respondents, returnable on 20.09.2021.

13. 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.459/2021

14. 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.

15. 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.

16. 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.

17. S.O. to 20.09.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO.460 OF 2021
(Dr. Narayan G. Lokade Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021

ORAL ORDER :

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

2. By this application the Applicant is challenging the impugned order of his transfer dated 09.08.2021 issued by Respondent No.1 (Annex. 'A-1') whereby the Applicant has been transferred from his present post of Medical Officer (Pediatric), Civil Hospital Nanded to Rural Hospital Deoni, District Latur. The Applicant is working on his present post since 3.7.2014. The Applicant was due for transfer. However, he is challenging the said impugned order of transfer on the ground that he is due to retire within 17 months and that his wife is taking treatment since 1995 and she was operated "Balloon Mitral Valvuloplasty" first in 1995 and secondly in 2009 and she is taking treatment at Nanded. The Applicant, however, has been posted at Deoni which is situated in rural area and the Applicant would face difficulty in taking effective treatment for his wife there.

3. It is further stated that the Applicant is working on his present post till today and nobody is posted on his place and he has not been relieved. The Applicant,

therefore, seeks interim relief of stay to the execution and implementation of the transfer order.

4. Learned P.O. for the Respondents opposes the submissions made on behalf of the Applicant and submits that by order dated 17.08.2021, the Applicant has been relieved from the present post. He places on record the said order dated 17.08.2021 issued by the Respondent No.5 i.e. Civil Surgeon, Civil Hospital Nanded. He therefore, seeks time for filing affidavit-in-reply.

5. After having considered the rival submissions it is evident that the Applicant is seeking relief of quashing and setting aside the impugned order of his transfer and also seeking interim relief of stay on the ground that impugned order of transfer is inconvenient. The Applicant is going to retire within 17 months and he would face difficulties in taking proper treatment for his wife who is suffering from prolonged illness. However, in my opinion, prima-facie, it cannot be said that impugned transfer order of the Applicant is issued in contravention of any provisions of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 and relevant G.R. In view of same, I am not inclined to grant any interim relief at this stage.

6. Hence, Issue notices to the Respondents, returnable on 21.09.2021.

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O.A.460/2021

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

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

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

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

11. S.O. to 21.09.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO.461 OF 2021
(Dr. Madhav B. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 18.08.2021

ORAL ORDER :

Heard Shri S.B. Patil, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent Nos.1 to 5.

2. The Original Application is filed challenging the impugned order of transfer dated 9.8.2021 issued by Respondent No.1 (Annex. 'A-3'), whereby the Respondent No.6 i.e. Dr. Dhananjay Kondiram Savant, Medical Officer, Primary health Centre, Chapoli, Taluka Chakur, District Latur is transferred to Mobile Medical Unit, Latur where the Applicant is working as Medical Officer.

3. It is the contention of the Applicant that as per document (Annex. 'A-2') there is one post of Medical Officer in the said Mobile Medical Unit, Latur and it is held by the Applicant.

4. The Applicant is working on the said post since 13.06.2016. In the impugned order of transfer dated 9.8.2021 (Annex. 'A-3'), the name of the Applicant does not appear. However, in view of transfer of Respondent No.6 to the post held by the Applicant, the Applicant apprehends that he would be relieved from his

present post without any specific order of his transfer. Hence, this application.

5. Learned P.O. appears on behalf of the Respondent Nos.1 to 5 seeks time for filing affidavit-in-reply.

6. After having considered rival submissions I found that the situation is peculiar. At least, in the impugned transfer order dated 9.8.2021 which is general transfer order, the name of the Applicant does appear. In these circumstances, the apprehension of the Applicant that he is likely to be shifted from his present post is reasonable.

7. In view of above, interim relief in terms of prayer cause (C) directing the Respondents not to relieve the Applicant from the post of Medical Officer, Mobile Medical Unit, Latur is granted till filing of reply by the Respondents.

8. Hence, Issue notices to the Respondents, returnable on 21.09.2021.

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

10. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book

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O.A.461/2021

of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

11. 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.

12. 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.

13. S.O. to 21.09.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 462 OF 2021
(Dr. Sagir Jamaliya Vs. State of Maharashtra & Ors.)

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

DATE : 18.8.2021

ORAL ORDER :

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

2. The present Original Application has been filed by the applicant challenging the impugned order of transfer dated 9.8.2021 issued by the respondent No.1, the Secretary, Public Health Department, Mantralaya, Mumbai, thereby transferring the applicant from the post of Medical Officer, Group-A, P.H.C. Bhatangali, Tq. & Dist. Latur to the post of Taluka Health Officer, Ashti, Dist. Beed and the applicant is seeking interim stay to the execution and implementation of the said transfer order.

3. The applicant is working as a Medical Officer, Group-A on the present post since her earlier transfer as per order dated 19.7.2019 (Annexure 'A-2'). Hence, the applicant has not completed the requisite tenure of three years on the present posting. However, the applicant has been transferred by this impugned order

of transfer dated 9.8.2021, which is general transfer order issued under Section 4 (4) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for sort hereinafter called as “the Transfer Act of 2005”). Moreover, according to the applicant, one Dr. Jayshree Shinde is appointed on the said post of Taluka Health Officer, Ashti, District Beed as per order dated 1.7.2021 (Anneuxre “A-3”) and she has joined there as per joining report dated 14.7.2021 (Page-37). The said Dr. Jayshree Shinde is working on the said post. Till the impugned transfer order dated 9.8.2021 there is no mention that Dr. Jayshree Shinde is being transferred elsewhere. Hence, the transferred post of the applicant is not vacant. Moreover, there are serious discrepancies in the said general transfer order dated 9.8.2021 in as much as one Dr. Ramsing Harsing Pawar appearing at Sr. No. 191, as well as, at Sr. No. 412 is shown to be transferred at two places namely P.H.C. Sakol, District Latur, as well as, Taluka Health Officer, Renupur, Dist. Latur, whereas one Dr. Shridhar Sopanrao Reddy at Sr. No. 67 is also said to be transferred as Taluka Health Officer, Renapur, Dist. Latur.

4. Learned Advocate for the applicant submits that in view of the contentions raised in the Original Application the impugned order of transfer dated 9.8.2021 suffers from illegality and discrepancies and, therefore, he prays for stay of the impugned transfer order. He also submits that the applicant has not been relieved from her present posting. Moreover, the husband of the applicant viz. Dr. Siddiqui is also working as Clinical Physiotherapist at MIP College of Physiotherapy, Latur, Latur, since 13.2.1996 (Annexure 'A-4', page-38). In view of the same, according to him, the applicant would suffer hardship if the impugned order of transfer is executed.

5. On the other hand, learned Presenting Officer fairly submitted that the applicant has not been relieved from her present posting and she seeks time for filing affidavit in reply.

6. Considering the rival submissions as above and more particularly the contentions raised in the present Original Application, it is apparent on record that so far as the applicant is concerned, it is mid-tenure transfer, but the impugned transfer order is termed as regular general transfer order. Moreover, there are

some serious discrepancies in the said impugned order of transfer as demonstrated by the applicant. In such circumstances, it is prima facie evident that the impugned order of transfer of the applicant *prima facie* is issued in contravention of the provisions of the Transfer Act of 2005, whereby the procedure of Section 4 (4) (ii) and 4 (5) of the Transfer Act of 2005 is not made applicable. Hence, the interim relief in terms of prayer clause 9 (a) is granted till filing of the affidavit in reply by the respondents.

7. Issue notice to the respondents, returnable on 22.09.2021.

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)

:: - 5 - :: O.A. NO. 462 OF 2021

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 22.09.2021.

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

MEMBER (J)

ORAL ORDERS 18.8.2021-HDD

**ORIGINAL APPLICATION ST. NO. 1061 OF 2021
(Nanda K. Kshirsagar Vs. State of Maharashtra & Ors.)**

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

DATE : 18.8.2021

ORAL ORDER :

Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 22.09.2021.

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

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and

:: - 2 - :: O.A. ST. NO. 1061 OF 2021

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

7. S.O. to 22.09.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORAL ORDERS 18.8.2021-HDD

**ORIGINAL APPLICATION NO. 52 OF 2019
(Shabana Begum Vs. State of Maharashtra & Ors.)**

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

DATE : 18.8.2021

ORAL ORDER :

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

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

3. S.O. to 8.9.2021.

MEMBER (J)

ORAL ORDERS 18.8.2021-HDD

ORIGINAL APPLICATION NO. 391 OF 2021
(Dr. Mohan P. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 18.8.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks withdrawal of the present Original Application stating that the present Original Application was filed praying to restrain the respondents for issuing the transfer of the applicant pursuant to communication dated 26.7.2021 issued by the respondent No. 3. Thereafter, there is development in the matter and the applicant has been transferred by an order dated 9.8.2021. In view of the same, he seeks to challenge the subsequent transfer order dated 9.8.2021. Hence, he seeks permission to withdraw the present Original Application.

3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of being withdrawn with liberty to the

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O.A. NO. 391 OF 2021

applicant to seek appropriate remedy in respect of subsequent order of transfer dated 9.8.2021.

There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 18.8.2021-HDD

ORIGINAL APPLICATION NO. 1082 OF 2019
(Naresh W. Sakpal Vs. State of Maharashtra & Ors.)

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

DATE : 18.8.2021

ORAL ORDER :

Heard Shri L.V. Sangit, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present case is already part heard.
3. S.O. to 26.8.2021.

MEMBER (J)

ORAL ORDERS 18.8.2021-HDD

ORIGINAL APPLICATION NO. 851 OF 2019
(Ravindra R. Gite Vs. State of Maharashtra & Ors.)

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

DATE : 18.8.2021

ORAL ORDER :

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

2. S.O. to 3.9.2021 for hearing at the stage of admission.

MEMBER (J)

ORAL ORDERS 18.8.2021-HDD

M.A.NO. 193/2021 IN O.A.ST.NO. 346/2021
(Suryakant S. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 18.8.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 20.9.2021 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 18.8.2021-HDD

O.A.NO. 51/2018 WITH O.A.NO. 304/2018
(David S. Gantur & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 18.8.2021

ORAL ORDER :

Heard Shri K.M. Nagarkar, learned Advocate for the applicants in both these cases and S/Shri V.R. Bhumkar and I.S. Thorat, learned Presenting Officers for the respective respondents in respective cases.

2. Learned Presenting Officer has placed on record a copy of communication dated 27.11.1989 issued by respondent No. 2 mentioning that cadre of armed and unarmed police officials fall in the same cadre. The copy of the said communication is taken on record and marked as document 'X' for the purpose of identification.

3. Reserved for orders.

MEMBER (J)

ORAL ORDERS 18.8.2021-HDD

**ORIGINAL APPLICATION NO. 278 OF 2021
(Dr. Udaykumar D. Padhye Vs. State of Maha & Ors.)**

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

DATE : 18.8.2021

ORAL ORDER :

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

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. Learned Advocate for the applicant submits that though interim order dated 29.7.2021 passed by this Tribunal is in operation, the respondents have issued order of promotion of as many as 21 candidates and thus the respondents have committed contempt of this Tribunal. In view of the same he seeks time to file additional affidavit of the applicant. Permission is granted and the said affidavit is taken on record.

4. Learned Chief Presenting Officer seeks time to respond the additional affidavit filed by the applicant. Time granted.

5. S.O.to 8.9.2021.

MEMBER (J)

Date :18.08.2021

M.A.NO.229/2021 IN O.A.ST.NO.655/2021

(Shri Pundlik N. Amberao V/s The State of Maharashtra & Ors.)

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

1. Shri Amol G. Vasmatkar, ld. Advocate for the applicant and Shri M.S. Mahajan, ld. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A.No.229/2021, returnable on 23.09.2021. The case be listed for admission hearing on 23.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

I/C REGISTRAR

ORIGINAL APPLICATION NO.1099/2019
(Ramraje Pawar Vs. State of Maharashtra & Ors.)

CORAM : Single Bench

DATE : 18.08.2021

OFFICE NOTE

Shri K.G.Salunke learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. He has also served copy of the same on the other side.

3. Court is on leave.

4. S.O. to 31-08-2021.

SHERISTEDAR

ORIGINAL APPLICATION NO.118/2021

(Sunanda Pagare & S.J.Sable Vs. State of Maharashtra & Ors.)

CORAM : Single Bench

DATE : 18.08.2021

OFFICE NOTE

Ku. Preeti Wankhade learned Advocate for the applicants and Shri D.R.Patil, learned Presenting Officer for the respondents, are present.

2. Court is on leave.
3. S.O. to 20-08-2021.

SHERISTEDAR

ORIGINAL APPLICATION NO.348/2021
(Balaji Ghulekar Vs. State of Maharashtra & Ors.)

CORAM : Single Bench

DATE : 18.08.2021

OFFICE NOTE

Shri M.V.Thorat learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents, are present.

2. Court is on leave.
3. S.O. to 24-09-2021.

SHERISTEDAR

YUK ORAL ORDERS 18.08.2021

ORIGINAL APPLICATION NO.364/2021
(Vinayak Kalamkar Vs. State of Maharashtra & Ors.)

CORAM : Single Bench

DATE : 18.08.2021

OFFICE NOTE

Shri Vikram Sarse learned Advocate holding for
Shri Vikram Kadam learned Advocate for the
applicant and Shri B.S.Deokar, learned Presenting
Officer for the respondents, are present.

2. Court is on leave.
3. S.O. to 27-08-2021.

SHERISTEDAR

M.A.NO.214/2021 IN O.A.NO.179/2021
(State of Maharashtra & Ors. V/s. Ujjwala Deshmukh)

CORAM : Single Bench

DATE : 18.08.2021

OFFICE NOTE

Shri V.R.Bhumkar, learned Presenting Officer for the applicants in M.A. (Original respondents) and Shri V.G.Pingle learned Advocate for the respondent (original applicant), are present.

2. Court is on leave.
3. S.O. to 24-08-2021.

SHERISTEDAR

YUK ORAL ORDERS 18.08.2021

ORIGINAL APPLICATION NO.141/2019
(Dr. Pandurang Gawali & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Single Bench

DATE : 18.08.2021

OFFICE NOTE

Shri Ajay Deshpande learned Advocate for the applicants and Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.

2. Court is on leave.
3. S.O. to 25-08-2021.

SHERISTEDAR

ORIGINAL APPLICATION NO.361/2019
(Jijabai Sonwane & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Single Bench

DATE : 18.08.2021

OFFICE NOTE

Shri A.D.Gadekar learned Advocate for the applicants and Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.

2. Court is on leave.
3. S.O. to 08-09-2021.

SHERISTEDAR

YUK ORAL ORDERS 18.08.2021

**O.A.NO.966/2019, O.A.NO.967/2019,
O.A.NO.968/2019
O.A.NO.969/2019, O.A.NO.970/2019,
O.A.NO.971/2019
O.A.NO.972/2019, O.A.NO.974/2019,
O.A.NO.975/2019
O.A.NO.976/2019, O.A.NO.977/2019,
O.A.NO.978/2019 AND O.A.NO.979/2019,
O.A.NO.537/2020
(Prakash Deshpande & Ors. Vs. State of Maharashtra &
Ors.)**

CORAM : Single Bench

DATE : 18.08.2021

OFFICE NOTE

Shri V.G.Pingle learned Advocate for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondents in respective cases, are present.

2. Court is on leave.
3. S.O. to 22-09-2021.

SHERISTEDAR

Date : 18.08.2021

M.A.NO.247/2021 IN O.A.ST.NO.881/2021

(Ashwini Jadhav & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri V.S.Janephalkar Id. Advocate for the applicant and Shri M.S.Mahajan Id. CPO for respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 20.09.2021. The case be listed for admission hearing on 20.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents 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 : 18.08.2021

ORIGINAL APPLICATION NO.456/2021

(Sunil Narayan Jahagirdar V/s State of Maharashtra & Ors.)

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

1. Shri Ashish B. Rajkar Id. Advocate for the applicant and Shri M.S.Mahajan Id. CPO for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 08.09.2021. The case be listed for admission hearing on 08.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents 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

18.08.2021/yuk registrar notice/

Date : 18.08.2021
ORIGINAL APPLICATION NO.465/2021
(Azad K. Patel V/s State of Maharashtra & Ors.)

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

1. Shri Bhausahab S. Deshmukh Id. Advocate for the applicant and Shri M.S.Mahajan Id. CPO for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 08.09.2021. The case be listed for admission hearing on 08.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents 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