

**ORIGINAL APPLICATION NO. 79 OF 2020**  
(Dr. Naser Ahmed Razvi V/s. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, VICE CHAIRMAN**  
(The present matter is placed before  
Single Bench due to non-availability of  
Division Bench)

**DATE : 20.05.2020.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has submitted that the applicant is challenging the G.R. dated 20.9.2019 by which the extension for the age of superannuation for the post of Lecturer in Statistics has been given and the post of Lecturer in Statistics and Demography has been excluded, by filing the present O.A. He has also challenged the order dated 25.11.2019 by which his representation for extension of age of retirement up to 64 years has been rejected.

3. Learned Advocate for the applicant has submitted that the post of Lecturer in Statistics and Demography on which the applicant is working and the Lecturer in Statistics are having same duties. But the post of Lecturer in Statistics and Demography has not been included in the G.R. 20.9.2019 while giving extension for the age of retirement. He has submitted

that the said G.R. is discriminating and therefore, it is just and proper to stay the operation and execution of the G.R. dated 20.9.2019 to the extent of excluding the post of Lecturer in Statistics and Demography and also prayed to stay the order dated 25.11.2019 rejecting the representation of the applicant. He has submitted that the applicant is going to retire on 31.05.2020 on attaining the age of superannuation i.e. 58 years. He has submitted that the applicant ought to have given benefits of the G.R. dated 20.09.2019 and his age of retirement on the post of Lecturer in Statistics and Demography would have been extended up to 64 years and therefore he sought interim relief. He has submitted that the Lecturers in Statistics and Lecturer in Demography are discharging same duties, but the ages of superannuation prescribed for the said posts by the G.R. dated 20.09.2019 are different and therefore, the said discrimination is against the provisions of law and therefore, he has prayed to stay the G.R. dated 20.9.2019 and also prayed to extend the age of retirement to the applicant till completion of 64 years by granting interim relief.

4. Learned Advocate for the applicant has placed reliance on the judgment delivered by the Hon'ble

Supreme Court of India in case of *Osmania University Vs. V.S. Muthurangam and Ors.* reported in (1997) AIR (SCW) 2734, in case of *Dr. (Mrs.) Suzette Menezes Vs. State of Goa* reported in (1996) 4 ALLMR 112, in case of *C.K. Pattamashetti Vs. The Bangalore University and Another* reported in (1998) 6 KantLJ 141, in case of *M.G. Pandke and Others Vs. Municipal Council, Hinganghat, Dist. Wardha and Others* reported in (1993) AIR (SC) 142 and in case of *M. Padmanabham Vs. Union of India (UOI) and others* reported in (2011)10 AD (Delhi) 50.

5. Learned Chief Presenting Officer has submitted that the post of Lecturer in Statistics is different than the post of Lecturer in Statistics and Demography. The separate posts of Lecturer in Statistics and Demography have been created in the year 1990. He has submitted that the Medical Council of India has recognized the post of teachers in medical institute by the Medical Institutions Regulations 1998 and the post of Lecturer (Assistant Professor) Statistics has been recognized post of MCI. The grants have been allotted by the UGC to the recognized post only. He has submitted that the post of Lecturer in Statistics and Demography has not been recognized by the MCI and

therefore, the Government has not extended the age of retirement for the said post i.e. Lecturer (Assistant Professor) in Statistics and Demography, Group B by the G.R. dated 20.09.2019. He has submitted that the Government has appointed the Committee while taking decision to extend the age of retirement for the post of Lecturer in Statistics and thereafter, took a conscious decision on 20.09.2019. He has submitted that the post of Lecturer (Assistant Professor) in Statistics and Demography has been excluded while giving extension for the age of superannuation and it has been specifically mentioned in the G.R. that the employees who are working on the post of Lecturer in Statistics and Demography shall retire on attaining the age of superannuation i.e. 58 years. He has submitted that the applicant has made representation with the respondents on 16.9.2019 in that regard. The respondents have rejected the said representation by the impugned order dated 25.11.2019 wherein it has been specifically mentioned that the post of Lecturer in Statistics and Lecturer in Statistics and Demography are different posts and post of Lecturer in Statistic and Demography is not recognized by M.C.I. He has submitted that as the duties assigned to the post of Lecturer in Statistics and Lecturer in Statistics and

Demography are different, the applicant cannot claim that his age of superannuation can be extended up to 64 years in view of the G.R. dated 20.09.2019. He has submitted that the Government took conscious decision to exclude the post of Lecturer in Statistics and Demography while granting extension and there is no illegality in it. Therefore, he has prayed to reject the interim relief as claimed for by the applicant.

6. On perusal of the record, it reveals that the post of Lecturer in Statistics and Demography was created in the year 1990 by the G.R. dated 25.3.1990. The applicant is working accordingly on the said post. The said post is different than the post of Lecturer in Statistics. By the G.R. dated 20.09.2019, the Government took conscious decision and decided to extend the age of superannuation from 58 years to 64 years for the post of Lecturer in Statistics. While taking decision, the Government has decided not to give the benefits of the said G.R. 20.09.2019 to the post of Lecturer in Statistic and Lecturer in Demography and it has been specifically mentioned that the Lecturer working as Lecturer in Statistics and Demography shall be retired on attaining the age of superannuation i.e. on completion of 58 years. The

post of Lecturer in Statistics and Demography has not been recognized by the MCI as per the provisions made in the Medical Institutions Regulations 1998. After considering all these aspects the respondents had decided to exclude the post of Lecturer in Statistics and Demography while giving extension to the post of Lecturer in Statistics regarding the age of superannuation from 58 years to 64 years. The work assigned to the said posts of Lecturers in Statistics and Lecturers in Statistics and Demography are different and therefore, I found no illegality in the decision given by the Government while excluding the post of Lecturer in Statistics and Demography while giving extension of age of superannuation by the G.R. dated 20.9.2019. In these circumstances, in my view, prima-facie there is no justifiable ground to grant stay to the impugned order dated 25.11.2019 and the G.R. dated 20.09.2019. Therefore, the interim relief as claimed by the applicant cannot be granted.

7. I have gone through the decisions referred by the learned Advocate for the applicant. I have no dispute regarding the settled legal principles laid down in the above cited decisions. But considering the facts in the matter, the principles laid down in the above cited

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O.A. No. 79/2020

decisions are not attracted in this case. In view of the above said discussion, the request of the applicant to grant interim relief is hereby rejected.

8. Pleadings are complete. Hence, the present O.A. is admitted and it be kept of final hearing as when Division Bench is available.

**VICE CHAIRMAN**

KPB/ORAL ORDERS 20.05.2020

**ORIGINAL APPLICATION ST. NO. 505/2020**  
**(Dr. Amol R. Gite Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

**DATE : 20.05.2020**

**ORAL ORDER :**

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

2. The applicant has challenged the impugned order dtd. 21.4.2020 issued by the respondent no. 1 the Secretary, Public Health Department, Mantralaya, Mumbai by which he has been suspended. The applicant has challenged the said order by preferring appeal / representation before His Excellency Hon'ble the Governor as well as before the Chief Secretary on 30.4.2020. The said representation / appeal are still pending.

3. In view thereof the present Original Application is premature and therefore it cannot be entertained / admitted in view of the provisions of section 20 of the Administrative Tribunals Act, 1985. Hence the O.A. deserves to be dismissed.

4. In the circumstances the present Original Application stands rejected. There shall be no order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.05.2020

**ORIGINAL APPLICATION NO. 882/2019**

**(Dnyanesh D. Gund Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

**DATE : 20.05.2020**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3. None appears for respondent no. 4.

2. Learned Chief Presenting Officer has submitted that the respondents are ready to take corrective steps in the transfer case of the applicant and therefore he sought 2 months time.

3. Learned Advocate for the applicant has submitted that the present O.A. be disposed of with a direction to the respondents to take corrective steps in matter of transfer of the applicant within a stipulated time.

4. In view of above submissions advanced by both the parties, the O.A. stands disposed of with a direction to the respondent no. 1 to take corrective steps in the matter of transfer of the applicant within a period of 2 months' from the date of this order. There shall be no order as to costs.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 881/2019**

**(Rajendra K. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

**DATE : 20.05.2020**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Priya R. Bharaswakar, learned Presenting Officer for the respondent nos. 1 to 3. None appears for respondent no. 4.

2. Learned Presenting Officer has submitted that the respondents are ready to take corrective steps in the transfer case of the applicant and therefore he sought 2 months time.

3. Learned Advocate for the applicant has submitted that the present O.A. be disposed of with a direction to the respondents to take corrective steps in matter of transfer of the applicant within a stipulated time.

4. In view of above submissions advanced by both the parties, the O.A. stands disposed of with a direction to the respondent no. 1 to take corrective steps in the matter of transfer of the applicant within a period of 2 months' from the date of this order. There shall be no order as to costs.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 519/2019**

**(Smt. Maya T. Danake Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

**DATE : 20.05.2020**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has submitted that the applicant has challenged the posting on promotion at Nagpur Revenue Division by filing the present O.A. He has submitted that the applicant has been allotted Nagpur Revenue Region on her promotion and posted in the office of T.R.T.I., Nagpur, which is at a distance of 625 kms from Ahmednagar. He has submitted that the husband of the applicant is serving in the Animal Husbandry Department. Since the applicant was transferred at Ahmednagar from Beed in the month of July, 2017, her husband who was transferred to Beed had sought request transfer to a place near to Ahmednagar on the ground of couple convenience. Therefore the Animal Husbandry Department had effected the change in his posting and he has been brought to key village Sub- Centre Daula-Wadgaon, Tq. Ashti, Dist. Beed, which is

at a distance of 23 kms from Ahmednagar city by order dtd.  
5.12.2018.

3. Learned Advocate for the applicant has submitted that the applicant joined the posting at Nagpur in the month of June, 2019. He has submitted that in view of the provisions of rule 12 of the Revenue Division Allotment for appointment by nomination and promotion to the posts of Group 'A' and Group 'B' (Gazetted and Non-Gazetted) of the Government of Maharashtra Rules, 2015 the applicant can be transferred at the place of her choice on the ground that her spouse is serving at a particular place. He has submitted that now the applicant intends to file representation to the respondents for her transfer at Ahmednagar on completion of one year's service at Nagpur. Therefore the applicant does not want to proceed with the O.A. and therefore it may be disposed of with a direction to the respondents to consider the representation of the applicant on merit as per the rules.

4. Learned Presenting Officer has submitted that, if the applicant files representation on completion of one year's service at Nagpur for her transfer at a particular place, the respondents would decide it within a reasonable time on merit. In view of the provisions of

rule 12 of the Revenue Division Allotment for appointment by nomination and promotion to the posts of Group 'A' and Group 'B' (Gazetted and Non- Gazetted) of the Government of Maharashtra Rules, 2015 the applicant may apply for change of Revenue Division after completion of one year at Nagpur.

5. The applicant intends to make representation to the respondents for change of Revenue Division after completion of one year at Nagpur. The only prayer of the applicant is that directions be given to the respondents to decide her representation within a reasonable time on merit as per the rules. Therefore it is just and proper to decide the present O.A. with said directions to the respondents.

6. In the circumstances the present O.A. stands disposed of with a direction to the respondents to decide the representation of the applicant which would be made by the applicant on expiry of one year's service at Nagpur Revenue Division as per the provisions of rule 12 of the Revenue Division Allotment for appointment by nomination and promotion to the posts of Group 'A' and Group 'B' (Gazetted and Non- Gazetted) of the Government of Maharashtra Rules,

2015, within a period of 2 months from the date of receipt of representation on merit as per the rules and communicate the decision to the applicant in writing.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.05.2020

**ORIGINAL APPLICATION ST. NO. 504 OF 2020**  
(Smt. Basanti J. Padavi Vs. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, VICE CHAIRMAN**

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

**DATE : 20.05.2020**

**ORAL ORDER :**

Heard Shri S.U. Chaudhari, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 23.06.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

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

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

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 23.06.2020.

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

**VICE CHAIRMAN**

**O.A.NOS. 583, 602, 619 & 620 ALL OF 2019**  
(Shri B.D. Baviskar & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 20.05.2020**

**ORAL ORDER :**

Heard Mrs. Preeti R. Wankhade, learned Advocate for the applicants in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

2. Learned Chief Presenting Officer has filed copy of communication in O.A. No. 620/2019 received to him from the Tahsildar, Jamner and the same is taken on record and marked as document 'X' for the purposes of identification.

3. Learned C.P.O. has filed a copy of communication in O.A. No. 619/2019 addressed to the Chief Accountant General, Mumbai by the Tahsildar, Jalgaon and the same is taken on record and marked as document 'X-1' for the purposes of identification.

4. Admit. The present cases be kept for final hearing in due course of time.

**VICE CHAIRMAN**

ORAL ORDERS 20.05.2020-HDD

**ORIGINAL APPLICATION NO. 731 OF 2019**  
(Shri Bhalchandra H. Bangar Vs. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 20.05.2020**

**ORAL ORDER :**

Heard Mrs. Preeti R. Wankhade, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents in all these cases.

2. The present case be kept for final hearing in due course of time.

**VICE CHAIRMAN**

ORAL ORDERS 20.05.2020-HDD

**ORIGINAL APPLICATION NO. 1077 OF 2019**  
(Smt. Ashwini V. Khalse Vs. State of Maharashtra & Ors.)

**CORAM : B. P. PATIL, VICE CHAIRMAN**

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

**DATE : 20.05.2020**

**ORAL ORDER :**

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

2. At the request of learned Chief Presenting Officer, S.O. to 23.06.2020 for filing affidavit in reply.

**VICE CHAIRMAN**

ORAL ORDERS20.05.2020-HDD