

ORIGINAL APPLICATION NO.179/2020
(Arun Gaware Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

Heard Shri Sunil B. Jadhav learned Advocate for the applicant, Smt. Priya Bharaswadkar learned Presenting Officer for the respondents and Shri A.B.Gaikwad for respondent no.4.

2. Learned P.O. seeks time to file affidavit in reply. Time is granted as a last chance.

3. S.O. to 10.09.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 20.08.2020

ORIGINAL APPLICATION NO.289/2020

(Zakir Mohiuddin s/o. K.M. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Applicant has prayed for limited relief by filing the present O.A.:

“B) To direct the sole respondent to consider the representation of the applicant dated 30-01-2020 for his transfer and posting in the office of Deputy Superintendent of Land Records, Loha, District Nanded, on the ground of couple arrangement, as the post is vacant and to communicate the decision to the applicant forthwith, for that purpose necessary directions may kindly be issued.”

3. Learned Advocate for the applicant has submitted that as the relief claimed by the applicant is limited, the purpose of filing the O.A. will be served in case the respondent no.2 is directed to take appropriate decision on the representation dated 30-01-2020 filed by the applicant taking into

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O.A.NO.289/2020

consideration the ground of couple arrangement. Therefore, he has prayed to dispose of the O.A. with direction to respondent to decide the representation.

4. Learned P.O. submits that reasonable time may be given to the respondents to take decision on the representation dated 30-01-2020.

5. In view of the submissions of the learned Advocate for the applicant as well as the learned P.O., it will be just and proper to direct the respondent to take appropriate decision on the representation dated 30-01-2020 filed by the applicant within 2 months.

6. In view of the above, O.A. stands disposed of with direction to the respondent to take decision on the representation dated 30-01-2020 on merit as per rules within 2 months from today and communicate the decision thereon to the applicant in writing. Accordingly, O.A. stands disposed of with no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.290/2020
(Anil Panpatil Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 24.09.2020.

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.

=2= O.A.No.290/2020

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. 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 24.09.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 20.08.2020

ORIGINAL APPLICATION NO.291/2020
(Dr. Manikashi Pathak Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 24.09.2020.

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.

=2= O.A.No.291/2020

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. 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 24.09.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 20.08.2020

ORIGINAL APPLICATION NO.1102/2019
(Rajendra Patil & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate for the applicant, Shri I.S.Thorat learned Presenting Officer for the respondent authorities, Shri V.G.Pingle learned Advocate for respondent nos.4 to 6 and Shri S.D.Joshi learned Advocate for respondent nos.8 & 9.

2. Learned P.O. has submitted that respondents are filing reply but they are unable to deposit costs today. Therefore, he has prayed for 2 days' time to deposit costs. 2 days' time is granted to the respondents to deposit costs.

3. Reply filed by the respondents is accepted conditionally, on failure to deposit costs reply will not be accepted.

4. S.O. to 31.08.2020.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.122/2020 WITH
CAVEAT 06/2020**

(Sandip P. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

Heard Shri A.B.Girase learned Advocate for the applicant, Shri D.R.Patil learned Presenting Officer for the respondents and Shri S.D.Dhongde learned Advocate for the Caveator.

2. Learned P.O. has filed affidavit in reply on behalf of respondent nos.1 & 2. It is taken on record.

3. Learned Advocate for the applicant has also filed affidavit in rejoinder. It is taken on record.

4. S.O. to 03.09.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 20.08.2020

ORIGINAL APPLICATION NO.170/2020
(Piraji Sormare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for the respondents and Shri V.B.Wagh learned Advocate for respondent no.4.

2. On perusal of record, it appears that the respondents have already filed affidavit in reply on last date and it was wrongly mentioned that matter is posted for filing reply. Time was granted to the respondents to file original record.

3. Learned CPO submitted that today also he has not received record from the concerned respondents. Therefore, he has prayed for time to produce the record. Time is granted as a last chance to produce the record. In case the respondents fail to produce the record on the next date, matter will be heard on merit.

4. Interim relief granted earlier to continue till then.

5. S.O. to 27-08-2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.204/2020
(Nanda Y. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

Heard Shri A.S.Shelke learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed service affidavit regarding service of notice on the respondent no.1.

3. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time is granted.

4. S.O. to 24.09.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 20.08.2020

ORIGINAL APPLICATION NO.89/2019
(Rajendra Jehurkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

Heard Shri S.D.Joshi learned Advocate for the applicant, Shri V.R.Bhumkar learned Presenting Officer for the respondents and Shri V.B.Wagh learned Advocate for respondent no.4.

2. Learned Advocate for the applicant as well as the learned P.O. seek time to take instructions from the concerned.

3. Today, learned P.O. has filed certain documents, those are taken on record. He undertakes to serve copies of the same on the other side.

4. S.O. to 10.09.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 20.08.2020

**O.A.NOs.86/2019, 118/2019, 278/2019 AND
421/2019**

(Bhimrao Pawar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate for the applicants and Shri D.R.Patil learned Presenting Officer for the respondents in respective cases.

2. Learned P.O. files communication dated 19-08-2020 and prayed time to produce documents regarding SLP filed before the Hon'ble Supreme Court. Time is granted.

3. S.O. to 10.09.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 20.08.2020

ORIGINAL APPLICATION NO.237/2019
(Sheshrao Kharate Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

Heard Smt. S.A.Dhongde learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

2. Learned P.O. has produced copy of order dated 30-07-2020 showing that the case of the applicant has been considered and he has been given time bound promotion. Same is taken on record. Learned P.O. has submitted that the relief claimed by the applicant has been satisfied and therefore, nothing remains in the O.A. as purpose of filing the same is served.

3. Learned Advocate for the applicant also submits that the grievance of the applicant has been redressed as the respondents have granted time bound promotion to the applicant. Therefore, she also prayed to dispose of the O.A.

4. In view of the submission of the learned Advocate for the applicant and learned P.O., O.A. stands disposed of as purpose of filing the same is served. There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 296 OF 2020
(Shri Eknath H. Kotgire Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

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

2. The applicant has challenged the impugned order dated 10.08.2020 by which he has been transferred from Aurangabad to Beed. The learned Advocate for the applicant has submitted that the applicant has completed his normal tenure of posting at Aurangabad, but his name was not enrolled in the list of the Government servants, who were/are due for transfer. Therefore, no options have been submitted by him. It is his contention that the impugned transfer order is issued in violation of provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay In Discharge of Official Duties Act, 2005 (In short "the Transfer Act of 2005), as well as, the Government Resolution dated 7.7.2020. He has submitted that the applicant has been relieved but he has not handed-over the charge till today.

Therefore, he has prayed to stay the impugned transfer order and protect the applicant.

3. Learned Presenting Officer has submitted that the applicant has been transferred in view of the provisions of Transfer Act of 2005 as he is due for transfer. The applicant has been relieved on 17.08.2020 and, therefore, no question of granting stay to the impugned transfer order arises. Therefore, he prayed to reject the request of the applicant for grant of stay to the impugned order.

4. On perusal of the record, it reveals that the applicant is serving at Aurangabad since the year 2013. He is due for transfer. Therefore, he has been transferred by the impugned order in view of the provisions of the Transfer Act of 2005. *Prima facie*, there is no illegality in the impugned order. The applicant has been relieved on 17.08.2020 on the basis of the impugned transfer order. Since the impugned order has been implemented, no question of granting stay to the impugned order arises. Hence, the prayer of the applicant for grant of stay to the impugned order is rejected.

5. Issue notices to the respondents, returnable on 24.09.2020.

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.

10. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date,

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O. A. NO. 296 OF 2020

case shall automatically stand dismissed without further reference to the Tribunal.

11. S.O. to 24.09.2020.

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

VICE CHAIRMAN

ORAL ORDERS 20.08.2020-hdd

**ORIGINAL APPLICATION NO. 812 OF 2019
(Dr. Smita H. Ingle Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

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

2. On instructions, learned Advocate for the applicant submits that the applicant does not want to proceed with the present Original Application and wants to withdraw the same. He has filed written communication signed by the applicant in that regard and the same is taken on record and marked as document 'X' for the purposes of identification. Therefore, the learned Advocate for the applicant sought leave of this Tribunal to withdraw the same.

3. In view of the above, Leave to withdraw the present Original Application is granted. Accordingly, the present Original Application stands disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 295 OF 2020
(Shri Anil P. Chavan Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

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

2. On instructions, learned Advocate for the applicant states that the applicant does not want to proceed with the present Original Application and wants to withdraw the same with liberty to approach this Tribunal on fresh cause of action. Therefore, he sought leave of this Tribunal to withdraw the same with liberty to the applicant to approach this Tribunal on fresh cause of action.

3. Leave as prayed for is granted. Accordingly, the present Original Application stands disposed of as withdrawn with liberty to the applicant to approach this Tribunal on fresh cause of action without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 878 OF 2019
(Yuvraj G. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 20.08.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2. Shri Sunil B. Jadhav, learned Advocate for respondent no. 3 (**absent**).

2. Learned C.P.O. files on record copy of communication dated 12.8.2020 received to him from the Superintendent of Police, Dhule. It is taken on record and marked as document 'X-1' for the purpose of identification and copy thereof has been supplied to other side. Learned C.P.O. has sought time to take instructions from the concerned respondents whether they are going to take corrective steps in the present matter. Time granted as a last chance.

3. In the circumstances, S.O. to 10.9.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 224 OF 2020
(Anil P. Ubale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 20.08.2020

ORAL ORDER :

Heard Shri G.J. Karne, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned P.O. submits that the Govt. Resolution on which the learned Advocate for the applicant is placing reliance is quashed by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad. She therefore seeks time to place on record copy of the said judgment of the Hon'ble High Court. Time granted.

3. In the circumstances, S.O. to 3.9.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 231 OF 2020
(Umesh T. Hule Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 20.08.2020

ORAL ORDER :

Heard Shri R.C. Bramhankar, learned Advocate holding for Shri N.L. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to place on record the relevant documents. Time granted.

3. In the circumstances, S.O. to 7.9.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 181 OF 2020
(Rajesh H. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 20.08.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2.

2. Shri A.P. Basarkar, learned Advocate has filed his V.P. for respondent nos. 3 to 5. It is taken on record. He seeks time to file affidavit in reply on behalf of respondent nos. 3 to 5.

3. Learned C.P.O. has submitted that the affidavit in reply of respondent no. 2 is already filed on record. He seeks time to file affidavit in reply on behalf of respondent no. 1. Time granted.

4. In the circumstances, S.O. to 10.9.2020. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

M.A. 168/2020 IN O.A. ST. 549/2020
(Nishigandha V. Chavan Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 20.08.2020

ORAL ORDER :

Shri Shamsundar B. Patil, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. As per the office noting dated 10.8.2020 the applicant has not served the notice on the respondent no. 6.

3. Learned C.P.O. seeks time to file affidavit in reply on behalf of respondent nos. 1 to 5. Time granted.

4. In the circumstances, S.O. to 24.9.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.08.2020

**O.A. NOS. 272, 273, 274, 275, 276, 277, 278, 279,
280, 281, 282 AND 283 ALL OF 2020**
(Shri Umesh L. Dargode & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 20.08.2020

ORAL ORDER :

Heard Shri Vivek G. Pingle, learned Advocate for the applicants in all these matters and S/shri M.S. Mahajan, V.R. Bhumkar, M.P. Gude, D.R. Patil, I.S. Thorat & Smt. Priya R. Bharaswadkar, learned Chief Presenting Officer & learned Presenting Officers for the respective respondents in respective matters.

2. Issue notice to respondents, returnable on 5.10.2020.

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.

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**O.A. NOS. 272, 273, 274, 275, 276,
277, 278, 279, 280, 281, 282 AND
283 ALL OF 2020**

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 5.10.2020.

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

VICE CHAIRMAN