

ORIGINAL APPLICATION NO. 453 OF 2020
(Shri Buatu R. Mahale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time to produce documents on record. Time granted.
3. S.O. to 23.11.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 455 OF 2020
(Shri Sahebrao D. Wagh Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

Heard Shri Rhishikesh A. Joshi, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 18.12.2020.

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.

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O.A. No. 455/2020

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. Meanwhile, the respondents are directed not to recover the amount from the applicant.

8. S.O. to 18.12.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 456 OF 2020
(Smt. Parvatibai B. Mali Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

Heard Shri S.R. Kedar, learned Advocate holding for Shri V.B. Dhage, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 01.12.2020.

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.

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O.A. No. 456/2020

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

7. S.O. to 01.12.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 457 OF 2020
(Shri Samba H. Sarpate Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 16.12.2020.

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.

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O.A. No. 457/2020

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

7. S.O. to 16.12.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 458 OF 2020
(Dr. Abdul Rahim Khan Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 16.12.2020.

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.

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O.A. No. 458/2020

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

7. S.O. to 16.12.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 462 OF 2020
(Shri Arvind B. Patil Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 16.12.2020.

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.

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O.A. No. 462/2020

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

7. S.O. to 16.12.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 459 OF 2020
(Smt. Priti J. Patale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

Heard Shri A.S. Savale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time for making submissions regarding territorial jurisdiction of this Tribunal. Time granted.
3. S.O. to 27.11.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 461 OF 2020
(Shri Shaikh Rahim Ameeroddin 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 : 02.11.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 10.12.2020.

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

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O.A. No. 461/2020

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

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

7. S.O. to 10.12.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

M.A. No. 268/2020 in O.A. St. 1141/2020
(Shri Nitin R. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN.

DATE : 02.11.2020.

ORAL ORDER :

Heard Shri Vinod Patil, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 1141 OF 2020
(Shri Nitin R. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 10.12.2020.

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.

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O.A. St. 1141/2020

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

7. S.O. to 10.12.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION ST. NO. 449 OF 2020
(Shri Manoj C. Salgar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

Heard Shri U.P. Giri, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to produce documents on record. Time granted.
3. S.O. to 27.11.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 528 OF 2019
(Dr. Kishor H. Kadam Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof has been served on the other side.

3. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 09.12.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

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

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

2. Learned Presenting Officer has submitted that presently the affidavit in reply of respondent No. 2 is not necessary.
3. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted.
4. S.O. to 02.12.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 299 OF 2020
(Smt. Rohini D. Aghav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

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

3. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 24.11.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 313 OF 2020
(Shri Mohsin Yusuf Shaikh Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

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

3. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 24.11.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 305 OF 2020
(Smt. Vandana S. Mali Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

Heard Shri S.A. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 26.11.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 51 OF 2018
(Shri David S. Ganthur and Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

2. At the request and by consent of both the parties, 10.12.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 304 OF 2018
(Shri Sudhakar D. Mangalkar and Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

2. At the request and by consent of both the parties, 10.12.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 02.11.2020

**ORIGINAL APPLICATION NO. 611 OF 2020 with
Caveat Nos. 56 to 60 of 2019**

(Dr. Pranita Suresh Rao Pendkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent 1 & 2. Shri R.K. Ingole, learned Advocate for respondent Nos. 3 & 4 (**Absent**).

2. Learned Advocate for the applicant has filed withdrawal pursis and submits that the applicant does not want to proceed with the present O.A. and wants to withdraw the same. Therefore, he seeks leave of this Tribunal to withdraw the present O.A.

3. Learned P.O. has prayed to pass necessary order.

4. Since the applicant does not want to proceed with the present O.A. and wants to withdraw the same, leave as prayed for by the applicant is granted. The O.A. is disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 634 OF 2020 with
Caveat Nos. 56 to 60 of 2019
(Dr. Pawankumar Gangadhar Komulwar Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed withdrawal pursis and submits that the applicant does not want to proceed with the present O.A. and wants to withdraw the same. Therefore, he seeks leave of this Tribunal to withdraw the present O.A.

3. Learned P.O. has prayed to pass necessary order.

4. Since the applicant does not want to proceed with the present O.A. and wants to withdraw the same, leave as prayed for by the applicant is granted. The O.A. is disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 247 OF 2019
(Smt. Jija Raosaheb Tarte 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 : 02.11.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed withdrawal pursis and submits that the applicant does not want to proceed with the present O.A. and wants to withdraw the same. Therefore, he seeks leave of this Tribunal to withdraw the present O.A.

3. Learned P.O. has prayed to pass necessary order.

4. Since the applicant does not want to proceed with the present O.A. and wants to withdraw the same, leave as prayed for by the applicant is granted. The O.A. is disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.415/2020
(Vishal Waghmare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020.

ORAL ORDER :

Heard Shri S.S.Jadhavar learned Advocate holding for Shri S.R.Shirsat learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 25-11-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.416/2020
(Sharad Mulagir Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020.

ORAL ORDER :

Heard Shri S.S.Jadhavar learned Advocate holding for Shri S.R.Shirsat learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 25-11-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.417/2020
(Udhav Satpute Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020.

ORAL ORDER :

Heard Shri S.S.Jadhavar learned Advocate holding for Shri S.R.Shirsat learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 25-11-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.445/2020
(Narsing Mudiraj Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 01.12.2020.

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.

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O.A.No.445/2020

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

7. S.O. to 01.12.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 02.11.2020

**M.A.ST.NO.1192/2020 IN O.A.NO.447/2020
WITH CAVEAT NO.82/2020
(Vaishali Hinge Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020.

ORAL ORDER :

Heard Shri S.D.Joshi learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for the respondents and Shri S.B.Kadu Patil learned Advocate for the Caveator.

2. Learned Advocate for the applicant in M.A. has submitted that the applicant is in private service and he has filed various complaints against the applicant in O.A. He has submitted that on the basis of complaints filed by the present applicant, the competent transferring authority issued the impugned transfer order which has been challenged by the original Applicant in O.A.No.447/2020.

3. Learned Advocate for the applicant in M.A. states that the original applicant has been transferred on the basis of complaints filed by the applicant in M.A. Therefore, the present M.A. for intervention is maintainable.

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M.A.ST.NO.1192/2020 IN O.A.NO.447/2020

4. Learned Advocate for the applicant in O.A. has strongly objected the submissions of the applicant in M.A. on the ground that the present Applicant has no locus standi to resist the O.A., and therefore, he prayed to reject the M.A. In support of his submission he has placed reliance on the judgment of this Tribunal passed in M.A.No.234/2017 with O.A.No.419/2017 decided on 17-07-2017.

5. I have gone through the documents placed on record by the parties. The applicant in M.A. is not in Government service, he is in private service. The applicant in the O.A. has challenged the impugned order of transfer dated 26-10-2020 on several grounds. The present applicant in the M.A. has no locus standi to resist the O.A. filed by the original applicant. The competent authority can defend the action taken by it. The Government and competent transferring authority can take care in that regard. The present applicant in M.A. has no locus standi to file the application for intervention. Hence, the M.A. deserves to be rejected.

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M.A.ST.NO.1192/2020 IN O.A.NO.447/2020

6. In view of the above discussion, M.A.St.No.1192/2020 stands rejected. There shall be no order as to costs.

VICE CHAIRMAN

YUK ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.447/2020
(Vaishali Hinge Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020.

ORAL ORDER :

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

2. The applicant has challenged the transfer order dated 26-10-2020 by which she has been transferred from the post of Tahsildar, Jalgaon to the post of Deputy Secretary, G.N.P., Sardar Sarovar Project, Nandurbar. Learned Advocate for the applicant has submitted that the applicant has not completed her normal tenure of posting at Jalgaon and she is not due for transfer but the respondents have transferred her by the impugned order. He has submitted that the transfer of the applicant is mid-term and mid-tenure transfer. He has submitted that the respondents have transferred the applicant in view of Section 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 ("Transfer Act" for short) but they have not followed the provisions of Section 4(4)(2) of the Transfer Act. He has submitted that old parents of the applicant are residing with her at Jalgaon.

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O.A.No.447/2020

Therefore, she cannot shift them at new place of posting in the current situation of COVID-19. He has submitted that nobody has been posted at her place but one Namdev Patil, Tahsildar, (Sanjay Gandhi Niradhar Yojana) is directed to take charge of the post by order dated 26-10-2020. He has submitted that the applicant has been illegally relieved. Therefore, he prayed to repost the applicant at Jalgaon by way of interim relief.

3. Learned CPO has submitted that the Collector, Jalgaon made report against the applicant on 23-04-2020 regarding irregularities done by the applicant while discharging the duties. He has quoted several incidents of applicant making several irregularities and he requested to the Government to take appropriate action in the matter. He has submitted that on the basis of the report of the Collector the Divisional Commissioner proposed to the Government to transfer the applicant from the present post. He has argued that on the basis of the proposal prepared by the department, the Civil Services Board in its meeting dated 19-10-2020 recommended the transfer of the applicant from the post of Tahsildar, Jalgaon to

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O.A.No.447/2020

the post of Deputy Secretary, G.N.P., Sardar Sarovar Project, Nandurbar in view of Section 4(4) and 4(5) of the Transfer Act. Thereafter, competent transferring authority with prior approval of the next superior competent transferring authority passed the impugned transfer order. He has submitted that there were serious lapses on the part of the applicant while discharging her duties. Therefore, to run the administration smoothly, transfer of the applicant has been proposed and effected, and accordingly she has been transferred by the impugned order. He has submitted that the transfer has been made in view of the provisions of Section 4(4) and 4(5) of the Transfer Act and there is no violation of the provisions of Transfer Act. He has submitted that the applicant has been relieved on 26-10-2020 from the present post and one Namdev Patil, Tahsildar (Sanjay Gandhi Niradhar Yojana) is kept in charge of the said post. Since the applicant is relieved, no question of granting the interim relief arises. Therefore, he has prayed to reject the prayer for interim relief.

4. On perusal of the documents on record, it reveals that the applicant has been posted on the post of Tahsildar, Jalgaon on 25-02-2019. She has not

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O.A.No.447/2020

completed her normal tenure of posting there. She has been transferred by the impugned transfer order dated 26-10-2020. The impugned transfer order seems to be mid-term and mid-tenure transfer order. On perusal of the record produced by the respondents, prima facie it seems that there are several lapses on the part of the applicant while discharging the duty and therefore the Collector, Jalgaon made report to the Divisional Commissioner, Nashik regarding irregularities done by the applicant while discharging her duties and he has requested to take appropriate action against the applicant. On the basis of the said report, the Divisional Commissioner, Nashik requested the competent authority to transfer the applicant from present post for running administration smoothly. Accordingly, the department proposed transfer of the applicant from the post of Tahsildar, Jalgaon to the post of Deputy Secretary, G.N.P., Sardar Sarovar Project, Nandurbar. The proposal was placed before the Civil Services Board in the meeting held on 19-10-2020. The Civil Services Board considered the record and recommended the transfer of the applicant in view of the provisions of Section 4(4) and 4(5) of the Transfer Act. The transferring authority proposed the

transfer of the applicant in view of the provisions of the Transfer Act and higher transferring authority approved the said proposal. Prima facie, it seems that the impugned transfer order has been issued in view of the provisions of Section 4(4) and 4(5) of the transfer Act. There is no violation of any provision of the Transfer Act. Prima facie, there is no illegality in the impugned order. Not only this, but the applicant has been relieved from the said post on 26-10-2020 and one Namdev Patil is kept in charge of the said post. In this situation, in my view, it is not a fit case to grant interim relief. Hence, the interim relief as prayed for by the applicant stands rejected.

5. Issue notices to the respondents, returnable on 03.12.2020.

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

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O.A.No.447/2020

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. S.O. to 03.12.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.448/2020
(Sopan Teple Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020.

ORAL ORDER :

Heard Smt. A.N.Ansari learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Respondents are directed not to execute the impugned order till filing of the reply by the respondents.

3. Issue notices to the respondents, returnable on 15.12.2020.

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

5. 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.No.448/2020

6. 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.

7. 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.

8. S.O. to 15.12.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.450/2020
(Dr. Mayura Patil Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020.

ORAL ORDER :

Heard Shri J.B.Choudhary learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instructions states that the applicant is not pressing prayer clauses (12) (b) & (c) and she is pressing only prayer clause 12 (d), which is reproduced as under.

“(d) The respondents be directed to consider and decide the representation submitted by the applicant on 24/9/2020.”

3. Learned Advocate for the applicant submits that if the respondent no.1 considers representation of the applicant and decides the same as per rules within stipulated time, the purpose of filing the O.A. will be served. Therefore, he has prayed to dispose of the O.A. with said directions.

4. Learned C.P.O. submitted that 3 months' time may be given to the respondents to decide the

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O.A.No.450/2020

representation of the applicant and by giving reasonable time O.A. may be disposed of.

5. In view of the submissions of the learned Advocate for the applicant as well as the learned C.P.O. O.A. stands disposed of with direction to the respondent no.1 to take appropriate decision on the representation filed by the applicant dated 24.09.2020 within a period of 3 months from today, on merit as per rules, and inform the decision thereon to the applicant in writing. O.A. stands disposed of accordingly with no order as to costs.

VICE CHAIRMAN

YUK ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.452/2020
(Ranjit Chauhan Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020.

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted that the applicant has been transferred before completion of normal tenure and the respondents have not considered the provisions of G.R. dated 11-07-2000 while effecting transfer of the applicant. He has submitted that the applicant is more than 52 years old, and therefore, he ought to have been transferred in non-tribal area. He has submitted that the applicant has made representation dated 10-10-2020 to the respondents and requested to transfer him at Navapur or Akkalkuwa. He has submitted that the applicant's representation is still pending and he has prayed to direct the respondent no.2 to decide the representation within stipulated time and with the said direction O.A. may be disposed of.

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O.A.NO.452/2020

3. Learned P.O. submits that reasonable time may be granted to the respondents to decide the representation filed by the applicant on merit as per rules.

4. In view of the submissions of the learned Advocate for the applicant as well as the learned P.O. O.A. stands disposed of with direction to the respondent no.2 to take appropriate decision on the representation filed by the applicant dated 10.10.2020 within a period of 1 month from today, on merit as per rules, and inform the decision thereon to the applicant in writing. O.A. stands disposed of accordingly with no order as to costs.

VICE CHAIRMAN

YUK ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.1030 OF 2019
(Dr. Jaya P. Dighe 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 : 02.11.2020

ORAL ORDER :

Heard Ms. Anagha V. Pandit, learned Advocate holding for Shri S.B. Taleka, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 15.12.2020.
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. No.1030/2019

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

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

7. S.O. to 15.12.2020.

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

VICE CHAIRMAN

SAS/ORAL ORDERS 02.11.2020

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 : 02.11.2020

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. The Applicant is challenging the result of the main examination of Maharashtra Civil Engineering Service, 2019 from Open category on the ground that so far the Applicant is concerned the Applicant can be considered from SEBC category.

3. The Hon'ble Apex Court in **Civil Appeal No.3123 of 2020 (S.L.P. (C) No.15737/2019 in case of Dr. Jaishri Laxmanrao Patil Vs. The Chief Minister & Anr. dtd. 09.09.2020** passed the order and held that appointment to public services and posts under the Government shall be made without implementing the reservation as provided in the Act. Since the implementation of the Act under which the Applicant is seeking relief has been stayed by the Hon'ble Apex

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O.A. No.231/2020

Court, the prayer claimed by the Applicant can not be entertained. In view of above, the Original Application is not maintainable. Hence same stands rejected. No order as to costs.

VICE CHAIRMAN

SAS/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.412 OF 2020
(Omprakash H. Kothari 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 : 02.11.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 15.12.2020.
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. No.412/2019

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. In the meantime, the Respondents shall maintain the status-quo as on today till filing of the reply.

8. S.O. to 15.12.2020.

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

VICE CHAIRMAN

SAS/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.449 OF 2020
(Yogesh M. Panchwatkar 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 : 02.11.2020

ORAL ORDER :

Heard Shri N.E. Deshmukh, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 16.12.2020.
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. No.449/2020

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. S.O. to 16.12.2020.

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

VICE CHAIRMAN

SAS/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.451 OF 2020
(Shrihari S. Solanke 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 : 02.11.2020

ORAL ORDER :

Heard Shri Kuldeep S. Patil, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 16.12.2020.

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. No.451/2019

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

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

7. S.O. to 16.12.2020.

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

VICE CHAIRMAN

SAS/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.454 OF 2020
(Ambadas P. Lagad 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 : 02.11.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 16.12.2020.
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. No.454/2020

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. S.O. to 16.12.2020.

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

VICE CHAIRMAN

SAS/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO.460 OF 2020
(Anil N. Baisane 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 : 02.11.2020

ORAL ORDER :

Heard Shri D.R. Irale-Patil, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicant has submitted that the Applicant is pressing the prayer regarding the directions to the Respondent to decide his representation dated 29.01.2018 and 29.06.2020 within reasonable time. Learned Advocate for the Applicant has further submitted the Applicant is not pressing other prayers and therefore, he has prayed to dispose of the Original Application with the direction to the Respondents to decide his representation within reasonable time.

3. Learned P.O. for the Respondents has submitted that reasonable time may be given to Respondents to decide the representations of the Applicant and with the said direction the O.A. may be disposed of.

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O.A.No.460/2020

4. In view of the statement made by learned Advocate for the Applicant, the Original Application is disposed of with a direction to the Respondent No.1 to decide the representations of the Applicant dated 29.01.2018 and 29.06.2020 within three months from today on merit as per Rules and communicate the decision to the Applicant in writing. No order as to costs.

VICE CHAIRMAN

SAS/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION ST.NO.1180 OF 2020
(Prakash P. Nirmal & 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 : 02.11.2020

ORAL ORDER :

Heard Shri R.D. Biradar, learned Advocate for the Applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 17.12.2020.
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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5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 17.12.2020.

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

VICE CHAIRMAN

SAS/ORAL ORDERS 02.11.2020

MISC. APPLICATION NO. 267/2020

(Prakash P. Nirmal & 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 : 02.11.2020

ORAL ORDER :

Heard Shri R.D. Biradar, learned Advocate for the Applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.287 OF 2020

(Shahu S. Jaswantsingh S. Huzurasingh 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 : 02.11.2020

ORAL ORDER :

Heard Shri M.K. Bhosale, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicant has produced the copy of order dated 20.10.2020. The same is taken on record and marked as 'X' for the purpose of identification.

3. Learned P.O. for the Respondents seeks time to file affidavit-in-reply. Time granted as a last chance.

4. S.O. to 02.12.2020.

VICE CHAIRMAN

SAS/ORAL ORDERS 02.11.2020

ORIGINAL APPLICATION NO. 466 OF 2020
(Niteshkumar B. Bololu Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

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. Issue notices to the respondents, returnable on 03.12.2020.

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. 466 OF 2020

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

7. S.O. to 03.12.2020.

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

VICE CHAIRMAN

ORAL ORDERS 02.11.2020-hdd

ORIGINAL APPLICATION NO. 29 OF 2020
(Shaikh Akhtar Hussain Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 02.11.2020

ORAL ORDER :

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

2. It is submitted by the learned Advocate for the applicant that as per order dated 24.09.2020, he collected the notices from the office of this Tribunal for service upon the respondents. Accordingly, he posted the same with the post office. Notices were served upon all the respondents before the returnable date i.e. 26.10.2020. However, he could not submit the service affidavit on record before 3 days of returnable date i.e. 26.10.2020 due to Corona Pandemic Situation.

3. Hence, he prayed for extension of time with permission to file service affidavit on record. Permission granted as prayed for by the learned Advocate for the applicant.

4. Service affidavit be accepted and taken on record.

5. S.O. to 03.12.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 116 OF 2020
(Shaikh Akhtar Hussain Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
[This case has been placed before the
Single Bench due to non-availability of
the Division Bench

DATE : 02.11.2020

ORAL ORDER :

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

2. It is submitted by the learned Advocate for the applicant that as per order dated 02.03.2020, he collected the notices from the office of this Tribunal on 05.03.2020 and posted the same with the post office for service upon the respondents immediately.

3. However, due to lockdown on account of Corona Pandemic the track report could not be obtained from the postal department. Hence, he could not submit the service affidavit before the returnable date i.e. 20.04.2020. Therefore, he prayed for issuance of fresh notices to the respondents.

4. Hence, issue fresh notices to the respondents, returnable on 03.12.2020.

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

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

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

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

9. S.O. to 03.12.2020.

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

VICE CHAIRMAN

O.A. NOS. 470,471, 472, 473, 474 AND 475 ALL OF 2020

(Hemant B. Wankhede & 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 : 2.11.2020

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicants in respective cases and S/shri M.S. Mahajan, N.U. Yadav and D.R. Patil, learned Chief Presenting Officer & learned Presenting Officers for the respondents in respective cases.

2. Issue notices to the respondents in all these cases, returnable on 23.11.2020.
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)

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**O.A. NOS. 470,471, 472, 473, 474
AND 475 ALL OF 2020**

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

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

7. S.O. to 23.11.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 2.11.2020

M.A. 222/2020 IN O.A. ST. 1071/2019
(Virbhadra G. Idage Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
DATE : 2.11.2020

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 & 4 and Shri N.U. Yadav, learned Advocate for respondent nos. 2 & 3.

2. Learned Advocate for res. nos. 2 & 3 has produced on record the communication dtd. 29.10.2020 received to him from the res. no. 3. It is taken on record and marked as document 'X' for the purpose of identification.

3. Learned P.O. for res. nos. 1 & 4 and learned Advocate for res. nos. 2 & 3 seek time. Time granted.

4. In the circumstances, S.O. to 3.12.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 2.11.2020

O.A. NO. 464/2020

(Bhagwan M. Dhabdige Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 2.11.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 3.12.2020.

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

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O.A. NO. 464/2020

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 3.12.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 2.11.2020

O.A. NO. 465/2020

(Ramesh M. Sarwade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 2.11.2020

ORAL ORDER :

Heard Shri A.D. Sugdare, 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 working as a Sub Divisional Police Officer at Degloor, Dist Nanded from 8.7.2018. He has not completed normal tenure of his posting on the said post as provided in section 22-N of the Maharashtra Police Act. He has submitted that the applicant has been transferred by the impugned order dtd. 28.10.2020 from the post of S.D.P.O., Degloor, Dist. Nanded to the post of Deputy Superintendent of Police, Police Head Quarters, Nanded before completion of his normal tenure of posting. He has submitted that while issuing the impugned transfer order the provisions of section 22-N of the Maharashtra Police Act has not been followed by the respondents. He has further submitted that the applicant is not yet relieved from the present post. Therefore he has prayed for grant of interim stay to the execution and operation of the impugned transfer order.

3. Learned Advocate for the applicant has submitted that the applicant is on the verge of retirement and he is going to retire on 31.5.2021. Therefore he has prayed for grant of interim stay to the execution and operation of the impugned transfer order.

4. Learned C.P.O. has submitted that the applicant has been transferred as per the provisions of the Maharashtra Police Act. Therefore he prayed to reject the prayer of the applicant for grant of interim stay to the execution and operation of the impugned transfer order.

5. On perusal of record it reveals that the applicant has not completed his normal tenure of posting at Degloor. But he has been transferred by the impugned transfer order. No special reasons or exceptional circumstances have been recorded by the respondents while issuing the impugned transfer order. Prima-facie, the impugned order has been issued by the respondents in contravention of the provisions of section 22-N of the Maharashtra Police Act. The applicant is still working on the said post and he has not been relieved from the said post. Hence, it is just to grant interim stay to the execution and operation of the impugned transfer order.

6. In the circumstances, the execution and operation of the impugned transfer order dtd. 28.10.2020 issued by the

respondent no. 1 to the extent of the present applicant only is stayed till filing of detailed affidavit in reply by the respondents.

7. Issue notices to the respondents, returnable on 7.12.2020.

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

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

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

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

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12. S.O. to 7.12.2020.
13. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ARJ ORAL ORDERS 2.11.2020