

ORIGINAL APPLICATION NO. 386/2019
(Gautm R. Fasale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.08.2021

ORAL ORDER :

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

2. From going through the record, it reveals that the present matter has been filed by the applicant on 16.4.2019 and notices to the respondents were issued by the Tribunal on 11.6.2019. So also, service affidavit for respondent nos. 1 to 5 has been filed by the applicant on 10.7.2019. The respondent nos. 1, 2 & 5 have filed their affidavit in reply on 26.7.2019 to which rejoinder affidavit has been filed by the applicant on 12.12.2020. More than one and half year has passed, still the respondent nos. 3 & 4 have not taken care to file their affidavit in reply to the present O.A. or it is not clarified by the learned P.O. as to when the respondent nos. 3 & 4 are going to file their affidavit in reply. Therefore, by the order dated 14.1.2020 it is ordered by the Tribunal to place the

matter on 27.2.2020 for final hearing. Thereafter, on 27.2.2020 at the request of learned P.O., the matter was adjourned to 8.4.2020 for filing original record before the Tribunal. Again, vide order dated 7.9.2020 at the request of learned P.O. time was granted till 1.10.2020 to the respondents to produce the original record regarding revised pay fixation of the applicant and due, drawn and difference statement prepared by the respondents as per the said revised pay fixation. However, the same has not been produced by the respondents till today.

3. Today, the learned P.O. has placed on record communication dated 17.8.2021 received to him from Shri Chandrakant S. Jadhav, Office Superintendent of the Office of the Superintendent of Police, Nanded, whereby the learned P.O. has been advised to seek time for filing amended affidavit in reply and sur-rejoinder. However, it is noticed that the respondents have filed only affidavit in reply and no sur-rejoinder is filed by them. Thus, it is clear that the respondents are treating the pending judicial matters in a very casual manner.

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4. However, in the interest of justice, at the request of learned P.O. 2 weeks time is granted for filing amended affidavit in reply. In case no amended affidavit in reply is filed by the respondents within the prescribed time limit, heavy costs will be imposed on them.

5. S.O. to 7.9.2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 468/2021

(Smt. Vandana P. Bhumkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.08.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the applicant is due for transfer and as per the impugned order dated 9.8.2021 issued by the respondent no. 2 she has been transferred from the office of the District Joint Registrar, Aurangabad to the office of the District Sub Registrar, Khamgaon No. 1, District Buldhana. It is the contention of the applicant that none of her choices are considered by the respondents during the process of counseling and the post from which she has been transferred is vacant and nobody in her place is posted till today. Therefore, the applicant is entitled for interim relief.

3. The learned P.O. states that he has to take instructions from the respondents and thereafter he will advance his submissions.

4. As per the provisions of section 24 of the Administrative Tribunals Act, 1985, the interim relief should be granted after hearing the respondents unless the Tribunal is satisfied of reasons to be recorded in writing that it is necessary so to do for preventing any loss being caused to the applicant, which cannot be adequately compensated in money. Therefore, in the fitness of things, it is necessary to hear the respondents before passing any interim order in the present case.

5. In the circumstances, issue notices to the respondents, returnable on 9.9.2021.

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

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

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O.A. NO. 468/2021

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 9.9.2021.

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

MEMBER (A)

ORIGINAL APPLICATION NO. 471/2021
(Shankar Y. Galdhar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.08.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted that the applicant was transferred in the last year in the month of September, 2020 and posted from Talwada Town, Tq. Georai, Dist. Beed to the office of S.D.P.O., Georai, Dist. Beed. Again the applicant has been transferred by the impugned order dated 29.7.2021 from the office of S.D.P.O., Georai, Dist. Beed to Rural Police Station, Majalgaon, Dist. Beed, on administrative ground. The impugned transfer is mid tenure and issued in violation of the statutory provisions of section 22N (1) (b) of the Maharashtra Police Act, 1951. The applicant sought interim relief in terms of Status quo and the applicant has not been relieved from the present post and nobody has been posted in his place.

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3. Learned P.O. for the respondents seeks time to produce on record the minutes of the meeting of the Police Establishment Board and seek instructions from the concerned respondent i.e. the Superintendent of Police, Beed.

4. In the above circumstances, Status quo to be maintained till production of minutes of the meeting of the Police Establishment Board in which the impugned transfer of the applicant has been decided and any other documents, which respondents think it proper, to support the merit of decision taken in the present case.

5. Learned P.O. has assured that he will try to get the record till the next date.

6. S.O. to 26.8.2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 330/2021
(Prasanna U. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

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

DATE : 23.08.2021

ORAL ORDER :

Heard Shri Sunil Jadhav, learned Advocate holding for Shri M.B. Bharaswadkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate submits that he is under instructions from the applicant to withdraw the present O.A. He, therefore, seeks leave of this Tribunal to withdraw the O.A.

3. Accordingly, leave as prayed for by the applicant is granted and the present O.A. stands disposed of as withdrawn. There shall be no order as to costs.

MEMBER (A)

ORIGINAL APPLICATION NO. 331/2021
(Supriya S. Pendke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

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

DATE : 23.08.2021

ORAL ORDER :

Heard Shri Sunil Jadhav, learned Advocate holding for Shri M.B. Bharaswadkar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate submits that he is under instructions from the applicant to withdraw the present O.A. He, therefore, seeks leave of this Tribunal to withdraw the O.A.

3. Accordingly, leave as prayed for by the applicant is granted and the present O.A. stands disposed of as withdrawn. There shall be no order as to costs.

MEMBER (A)

C.P. 26/2019 IN O.A. 793/1996
(Chokhoba S. Kharat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

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

DATE : 23.08.2021

ORAL ORDER :

Heard Shri P.G. Rodge, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent no. 1 and Shri Shri S.B. Mene, learned Advocate for respondent nos. 2 & 3.

2. Learned Advocate has filed rejoinder affidavit of the applicant to the affidavit in reply of respondent no.

3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 8.9.2021.

MEMBER (A)

C.P. 14/2021 IN O.A. 187/2021
(Ramrao K. Pallewad Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2021

ORAL ORDER :

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

2. Learned P.O. has filed affidavit in reply of respondent no. 1 in the present C.P. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 31.8.2021.

MEMBER (A)

M.A. 149/2021 IN O.A. 187/2021
(Padmakar V. Thakur Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.08.2021

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant in the present M.A., Shri D.R. Patil, learned Presenting Officer for the respondent nos. 2 & 3 in the present M.A. and Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for respondent no. 1 in the present M.A. / applicant in O.A.

2. With consent of both the sides, S.O. to 31.8.2021.

3. The interim relief granted earlier in the O.A. no. 187/2021 to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 686/2019
(Brijlal H. Bibe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

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

DATE : 23.08.2021

ORAL ORDER :

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

2. Learned P.O. submits that though vide order dtd. 22.7.2021 time was granted to the respondents to file additional affidavit in reply, still it is not ready and therefore some more time may be granted therefor. In the interest of justice time is granted to file additional affidavit in reply.

3. S.O. to 20.9.2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 105/2021
(Smita K. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2021

ORAL ORDER :

Heard Shri A.A. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned P.O., S.O. to 21.9.2021 for filing affidavit in reply of the respondents.

MEMBER (A)

ORIGINAL APPLICATION NO. 122/2021
(Mohan B. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

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

DATE : 23.08.2021

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 22.9.2021
for filing affidavit in reply of respondent nos. 1 to 3.

MEMBER (A)

ORIGINAL APPLICATION NO. 337/2021
(Sandip D. Golwal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2021

ORAL ORDER :

Heard Shri A.R. Borulkar, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. It appears from the record that, the applicant has not filed service affidavit.

3. At the request of learned Advocate for the applicants, S.O. to 20.9.2021 for filing service affidavit.

MEMBER (A)

M.A. 181/2021 IN O.A. ST. 1208/2020
(Groundwater Engineer Association Vs. State of
Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

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

DATE : 23.08.2021

ORAL ORDER :

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

2. It appears from the record that, the applicant has not filed service affidavit.

3. At the request of learned Advocate for the applicants, S.O. to 20.9.2021 for filing service affidavit.

MEMBER (A)

C.P. St. No. 394/2019 in O.A. No. 200/2016
(Sahikh Rahim Shaikh Chand Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23.08.2021.

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for
the applicant and Shri N.U. Yadav, learned Presenting
Officer for the respondents.

2. As the Division Bench is not available today, S.O.
to 21.09.2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 53 OF 2018
(Sopan E. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23.08.2021.

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 24.09.2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 959 OF 2018
(Madhvi P. Sigedar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23.08.2021.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Nitin S. Ingle, learned Advocate for respondent No. 4.

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

MEMBER (A)

ORIGINAL APPLICATION NO. 25 OF 2021
(Shankar P. Dange Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23.08.2021.

ORAL ORDER :

Heard Shri Rajesh Kale, learned Advocate holding for Shri R.J. Nirmal, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.B. Jadhav, learned Advocate for respondent No. 4.

2. Learned Advocate for the applicant has filed rejoinder affidavit to the affidavit in reply filed by the respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 22.09.2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 316 OF 2019
(Shamlal C. Bhagure Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23.08.2021.

ORAL ORDER :

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

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

MEMBER (A)

**O.A.NOS. 303/19, 810/17, 705/18, 773/19,
766/19, 809/19, 66/20, 120/19, 195/20, 234/20,
253/20, 254/20, 492/19, 794/19 & 301/20
(Sukracharya B. Takale & Ors. Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23.08.2021.

ORAL ORDER :

Heard S/Shri K.B. Jadhav, Suresh D. Dhongde, Avinash S. Deshmukh, Kiran G. Salunke & D.T. Devane, learned Advocates for the respective applicants in respective OAs and Shri M.S. Mahajan, B.S. Deokar, I.S. Thorat, D.R. Patil, & N.U. Yadav, V.R. Bhumkar, M.P. Gude and Smt. M.S. Patni & Smt. Sanjivani Deshmukh-Ghate learned Presenting Officer for the respondents.

2. As the Division Bench is not available today, S.O. to 06.09.2021.

MEMBER (A)

O.A. Nos. 825, 864, 865, 866 & 867 All of 2016
(Prakash A. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23.08.2021.

ORAL ORDER :

Heard Shri V.B. Jogdand Patil, learned Advocate for the applicants in all these O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in all these matters, Shri H.A. Joshi, learned Advocate for respondent Nos. 7 to 9 in O.A. No. 825/2016, Shri Pradeep Patil, learned Advocate for respondent No. 5 in O.A. No. 864/2016 and Shri P.P. Kothari, learned Advocate for respondent No. 5 in O.A. Nos. 865, 866, 867/2016.

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

MEMBER (A)

ORIGINAL APPLICATION NO. 467 OF 2021
(Dr. Mohan P. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.8.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has first argued that the applicant falls under category (b) as mentioned in table given under Section 6 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for sort hereinafter called as "the Transfer Act of 2005"). Therefore, transferring authority for him would be the Minister In-charge in consultation with Secretaries of the department concerned. As the impugned transfer order has been issued by the Joint Director (Public Health) with prior approval of Commissioner, Public Health, Pune, therefore, the impugned transfer order violates the provisions of Section 6 of the Transfer Act of 2005.

3. Attention of learned Advocate for the applicant was drawn towards the first proviso of the said section, which reads as follows: -

“Provided that, in respect of officers in entry (b) in the table working at the Divisional or District level, the Divisional Head shall be competent to transfer such officers within the Division; and the District Head shall be competent to transfer such officers within the District.”

In response to that, the learned Advocate for the applicant has mentioned that the present pay scale of the applicant is higher than the limit prescribed under the said Section 6 of the Transfer Act of 2005 and that may be considered. However, he has not been able to show that the applicant’s pay scale at the relevant time was more than Rs. 10,500-15850 as required under Section 6 of the Transfer Act of 2005.

3. Learned Presenting Officer has argued that the applicant has already been relieved on 6.8.2021 as per clause (1) of the impugned transfer order dated 6.8.2021 (Annexure ‘A-1’, page-19 of paper book). He has also submitted that the applicant falls in Group ‘B’ category and therefore, is covered by category (c) of the table given under Section 6 of the Transfer Act of 2005.

4. Learned Advocate for the applicant has filed a copy each of communications dated 20.8.2021 and

17.8.2021 addressed to Medical Officer, Primary Health Centre, Nimgaonkhairi, Malvadgaon & Takalibhan, Tq. Shrirampur by Taluka Health Officer, Panchayat Samiti, Shrirampur and Medical Officer, Primary Health Centre (All), Tq. Shrirampur respectively and issued by the applicant in the capacity of Taluka Health Officer, Shrirampur. The applicant has purportedly issued the two letters by letter head of Taluka Health Officer, Shrirampur and outward number of said office. The learned Advocate for the applicant has claimed basis the two letters issued by the applicant that the applicant is still not relieved from the post in Shrirampur. The copies of the said two communications are taken on record and marked as document 'X-1' & 'X-2' respectively for the purpose of identification.

5. At this stage, the applicant has not raised the two grounds as mentioned by him in the present Original Application for relief, firstly his wife is working at Rural Hospital, Shrirampur, District Ahmednagar and secondly his daughter is getting post operation medical treatment at Shrirampur.

6. Upon considering facts before me and arguments made by the two sides and making reference to Section

24 of the Maharashtra Administrative Tribunals Act, 1985, which outlines the conditions as to making of interim orders and provisions of Section 6 of the Transfer Act of 2005 I am of the opinion that there is no case made out by the applicant for giving interim relief, as prayed for by prayer clauses 26 (c) & (d) and therefore, the prayer for interim relief is hereby rejected.

6. Issue notices to the respondents, returnable on 22.9.2021.

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

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

9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

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

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

11. S.O. to 22.9.2021.

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

MEMBER (A)

ORAL ORDERS 23.8.2021-HDD

ORIGINAL APPLICATION NO. 98 OF 2019
(Pandurang M. Chandanshiv Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.8.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for respondent Nos. 1 & 4 and Shri V.M. Chate, learned Advocate for respondent Nos. 2 & 3.

2. It has been brought to the notice of both the sides that this Tribunal was pleased to pass order on 2.2.2016 in O.A. No. 719/2016. Aggrieved by the said order of the Tribunal respondent No. 4 to the O.A. No. 719/2016 and respondent No. 3 to the present Original Application 98/2019 challenged the said order by filing Writ Petition No. 9164/2018 before the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad. The Hon'ble High Court was pleased to pass order on 19th November, 2018, quashing and setting aside the impugned order passed by this Tribunal in O.A. No. 719/2016 to the extent clause No. 2 thereof. The parties were relegated before the Maharashtra Administrative Tribunal. The parties were directed to appear before the Tribunal on 5th

December, 2018 and it was also directed that the Tribunal shall decide the O.A. No. 719/2016 afresh on its merits expeditiously. However, it is found that instead of pursuing O.A. No. 719/2016 the present O.A. No. 98/2019 has been filed leaving O.A. No. 719/2016 totally unattended for last three years. None of the parties i.e. the applicant and the respondents have point out that O.A. No. 719/2016 has been remanded back by the Hon'ble High Court.

3. It is apprehended that fresh O.A. has been filed to open up certain claims which had been omitted by the applicant in O.A. No. 719/2016 and, therefore, the present state of having two OAs on the basis of same facts and cause of action.

4. It is also necessary to examine maintainability of O.A. No. 98/2019 when the O.A. No. 719/2016 is still subjudice.

5. To get to know true underlying facts, the applicant and the respondents are required to file affidavit mentioning the rationale of pursuing two parallel proceedings based on same facts and cause of action.

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O.A. NO. 98 OF 2019

6. S.O. to 9.9.2021.

MEMBER (A)

ORAL ORDERS 23.8.2021-HDD

ORIGINAL APPLICATION NO.248 OF 2019
(Shri Vikaram B. Mate & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 23.08.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the Applicants, Shri D.R. Patil, learned Presenting Officer for the Respondent Nos.1 & 2 and Shri S.D. Dhongde, learned Advocate for the Respondent Nos.3 & 4.

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

MEMBER (A)

SAS ORAL ORDERS 23.08.2021

ORIGINAL APPLICATION NO.287 OF 2020

(Shahu S. Jaswantsingh S. Huzurasingh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

(This case is placed before the Single Bench due to non-availability of Division Bench)

DATE : 23.08.2021

ORAL ORDER :

Heard Shri M.K. Bhosale, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

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

MEMBER (A)

ORIGINAL APPLICATION NO.333 OF 2021
(Supriya G. Nande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 23.08.2021

ORAL ORDER :

Heard Shri P.G. Tambde, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. As the Division Bench is not available today, S.O. to 27.09.2021 for filing affidavit-in-reply by the Respondents.

MEMBER (A)

**M.A.NO.154 OF 2021 IN O.A.ST.NO.297 OF 2021
(Shri Baliram S. Sapkale & Ors. Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 23.08.2021

ORAL ORDER :

Heard Shri Swaraj Tandale, learned Advocate holding
for Shri B.R. Kedar, learned Advocate for the Applicant and
Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting
Officer for the Respondents.

2. Affidavit-in-reply filed on behalf of the Respondent
No.2 is taken on record and copy thereof has been served
on the other side.

3. S.O. to 07.09.2021.

MEMBER (A)

SAS ORAL ORDERS 23.08.2021

ORIGINAL APPLICATION NO.171 OF 2019

(Dr. Vaishal R. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 23.08.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the Applicant, Shri I.S. Thorat, learned Presenting Officer for the Respondent Nos.1 to 3 and Shri N.B. Gadegaonkar, learned Advocate for the Respondent No.4.

2. As the Division Bench is not available today, S.O. to 03.09.2021 for final hearing.

MEMBER (A)

SAS ORAL ORDERS 23.08.2021

Date :23.08.2021

ORIGINAL APPLICATION NO.476 OF 2021

(Shri Machindra K. Bhalerao V/s The State of Maharashtra & Ors.)

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

1. Shri M.J. Sharma, ld. Advocate holding for Shri Mohit R. Deshmukh, ld. Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, ld. P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 22.09.2021. The case be listed for admission hearing on 22.09.2021.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR