

**ORIGINAL APPLICATION NO.261/2020 WITH
CAVEAT NO.15/2020 & 12/2020
(Parag Nawalkar Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Heard Shri Ajay Deshpande learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for the respondents and Shri K.M.More learned Advocate holding for Shri Sachin S Randive learned Advocate for respondent no.3.

2. Shri K.M.More learned Advocate holding for Shri S.S.Randive learned Advocate for respondent no.3 states that Shri Randive is home quarantined. Therefore, he is not able to attend the Tribunal. Hence, he has prayed for adjournment. Adjournment is granted.

3. S.O. to 01-10-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 24.09.2020

M.A.NO. NO.175/2020 IN O.A.ST.NO.462/2020
(Umesh B. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

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

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 02-11-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 24.09.2020

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

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

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

2. Learned P.O. states that he will file affidavit in reply on behalf of the respondent during the course of the day. He also undertakes to serve copy of the reply on the other side.

3. S.O. 26-10-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 24.09.2020

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

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

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

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 26-10-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 24.09.2020

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

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate holding for Shri A.S.Shelke learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for the respondents.

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

3. S.O. to 29.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 24.09.2020

ORIGINAL APPLICATION NO.199/2020
(Sudhakar More Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Heard Shri S.A.Deshmukh learned Advocate for the applicant and Smt. M.S.Patni learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instructions states that the applicant does not want to proceed with the O.A. and wants to withdraw the same. Therefore, he has prayed for leave to withdraw the O.A.

3. Learned P.O. prays to pass necessary order in the matter.

4. In view of the submission of the learned Advocate for the applicant, leave to withdraw the O.A. is granted as the applicant does not want to proceed with the matter. O.A. stands disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.198/2020
(H.B.Bhujbal Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Shri G.J.Pahilwan learned Advocate for the applicant is **absent**. Shri M.P.Gude learned Presenting Officer for the respondents is present.

2. None appears for the applicant. It seems that the applicant is not interested in prosecuting the matter. Hence, the O.A. stands dismissed in default.

VICE CHAIRMAN

YUK ORAL ORDERS 24.09.2020

ORIGINAL APPLICATION NO.339/2020
(Dr. Chanda Dipte Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Heard Smt. A.N.Ansari learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant has filed O.A. seeking limited relief as follows:

“(B) The Respondents be directed to consider and decide the application/representation made by Applicant on 1.2.2020, 8.6.2020 and 26.8.2020, favourably.”

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

4. Learned P.O. submitted that reasonable time may be given to the respondents to decide the

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O.A.No.339/2020

representations 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 P.O. O.A. stands disposed of with direction to the respondent no.1 to take appropriate decision on the representations filed by the applicant dated 1.2.2020, 8.6.2020 and 26.8.2020 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 24.09.2020

ORIGINAL APPLICATION NO.343/2020
(Bhimrao Rathod Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Heard Shri Shamsundar B. 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 has been transferred from Civil Hospital, Osmanabad to Rural Hospital, Murud, District Latur but the post at Murud has been occupied by some other person, and therefore, he prayed to stay the execution of the impugned order 04-09-2020.

3. Learned P.O. on instructions received from the Director of Health Services, states that already another person is working as X-Ray Technician in Rural Hospital, Murud and the impugned order has been issued mistakenly. Therefore, the respondents state that they will take corrective steps.

4. In view of the submissions of the learned Advocate for the applicant as well as the learned P.O.,

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O.A.No.343/2020

execution of the impugned order is stayed till filing of the reply of the respondents.

5. Issue notices to the respondents, returnable on 22.10.2020.

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

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O.A.No.343/2020

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

11. S.O. to 22.10.2020.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 344 OF 2020
(Shri Sanjay D. Rathod Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 22.10.2020.

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.

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. 344/2020

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 22.10.2020.

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

VICE CHAIRMAN

KPB ORAL ORDERS 24.09.2020

M.A. No. 226/2020 in O.A. St. No. 896/2020
(Shri Ramsingh B. Chavan & Ors. V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020

ORAL ORDER :

Heard Shri Ajay Deshpande, 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

KPB/ORAL ORDER 24.09.2020.

ORIGINAL APPLICATION ST. NO. 896 OF 2020
(Shri Ramsingh B. Chavan & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 22.10.2020.

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.

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. St. 896/2020

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 22.10.2020.

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

VICE CHAIRMAN

KPB ORAL ORDERS 24.09.2020

**O.A. Nos. 966, 967, 968, 969, 970, 971, 972, 973,
974, 975, 976, 977, 978, 979 All of 2019**
(Shri Prakash V. Deshpande & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

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

2. Learned Advocate for the applicants seeks time to file application for amendment. Time granted.

3. In view of this, the present O.As. are removed from the board.

VICE CHAIRMAN

KPB ORAL ORDERS 24.09.2020

ORIGINAL APPLICATION NO. 297 OF 2020
(Shri Mahesh M. Khadtare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2. None present for respondent No. 5.

2. Learned Advocate Shri Ajay Deshpande, appeared on behalf of respondent Nos. 3 & 4 and seeks time for filing Vakalatnama and affidavit in reply on behalf of respondent Nos. 3 & 4.

3. Learned Chief Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 & 2. Time granted.

4. S.O. to 26.10.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 298 OF 2020
(Shri Ramraje G. Pawar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 19.10.2020.

VICE CHAIRMAN

KPB ORAL ORDERS 24.09.2020

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

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 29.10.2020.

VICE CHAIRMAN

KPB ORAL ORDERS 24.09.2020

**M.A. No. 224/2020 in O.A. No. 296/2020 with
Caveat 66/2020
(Shri Eknath Hari Kotgire Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Heard Shri D.M. Shinde, learned Advocate holding for Shri P.P. Uttarwar, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Ajay Deshpande, learned Advocate holding for Shri Tejas V. Bedre, learned Advocate for respondent No. 4 (Caveator).

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3 in O.A. Same is taken on record and copy thereof has been served on the other side.

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

4. Learned Advocate for the applicant has placed on record a copy of communication dated 23.09.2020 received to him from the applicant stating that the applicant does not want to proceed with the present

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M.A. 224/2020 in
O.A. 296/2020

M.A. and O.A., as the impugned order has been modified and he has been transferred at Aurangabad. Therefore, he seeks leave of this Tribunal to withdraw the present M.A. and O.A. and prayed to dispose of the same accordingly.

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

6. In view of the submissions advanced by the learned Advocate for the applicant, the M.A. and O.A. are disposed of as the applicant does not want to proceed with it. There shall be no order as to costs.

VICE CHAIRMAN

KPB ORAL ORDERS 24.09.2020

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

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Jadhav, learned Advocate for respondent No. 3.

2. On perusal of the record, it reveals that initially the order dated 20.09.2019 has been issued transferring the applicant from Paschim Deopur Police Station to Police Control Room, Dhule and posted one Shri Prakash Vishwanath Munde at his place in view of the decision taken by the Police Establishment Board meeting held on 20.09.2019. Again Police Establishment Board took another decision in another meeting on 20.09.2019 and cancelled the earlier decision and transferred the applicant from Paschim Deopur Police Station to Police Control Room, Dhule and posted respondent No. 3 at his place. It seems that in spite of the decision of the Police Establishment Board on the very day, the S.P. Dhule issued earlier order transferring the applicant from Paschim Deopur Police Station to Police Control Room, Dhule and posted one Shri Munde at his place.

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O.A. No. 878/2019

3. In these circumstances, in my view, it is necessary to explain the facts by the concerned S.P. by remaining present personally before this Tribunal along with original record.

4. Learned C.P.O. seeks time to keep concerned S.P. present and to produce original record. The concerned S.P. is directed to produce original record and to explain actual facts took place on 20.09.2019 by remaining present personally before this Tribunal.

5. S.O. to 01.10.2020.

VICE CHAIRMAN

KPB ORAL ORDERS 24.09.2020

M.A. No. 219/2020 in O.A. No. 122/2020
(Shri Amardeep S. Patil Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Heard Shri Nilesh.N. Desale, learned Advocate for the applicant in M.A., Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 2 to 5 and Shri A.B. Girase, learned Advocate for respondent No. 1 (original applicant).

2. Learned Advocate for respondent No. 1 (original applicant) has no objection to allow the present M.A. for intervention in the O.A. He has submitted that the applicant is ready to add the applicant in present M.A. as party respondent in O.A. and therefore, he has prayed to allow the present M.A. and grant leave to the original applicant to amend the O.A. accordingly.

3. In view of the submissions advanced by the learned Advocate for the original applicant, the M.A. No. 219/2020 is allowed. The original applicant is directed to add the present applicant in M.A. as party respondent in the O.A. The original applicant shall carry out the necessary amendment in O.A. forthwith.

4. Accordingly, the M.A. No. 219/2020 stands disposed of with no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 122 OF 2020
(Shri Sandip P. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020.

ORAL ORDER :

Heard Shri A.B. Girase, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3, Shri S.D. Dhongde, learned Advocate for respondent No. 4 and Shri Nilesh N. Desale, learned Advocate for respondent No. 5.

2. The respondent No. 5 appeared suo-motu through Advocate. Hence, notice to respondent No. 5 is dispensed with.

3. Learned Advocate for respondent No. 5 seeks time for filing affidavit in reply. Time granted.

4. S.O. to 15.10.2020.

VICE CHAIRMAN

M.A.NO. 103/2020 IN O.A.ST.NO. 146/2020
(Ramchandra N. Palmate Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 24.09.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that as per order dated 27.02.2020 he obtained the notices from the office of the Tribunal on 04.03.2020 and served all the respondents by speed post much before the returnable date i.e. 13.04.2020. However, he could not submit the service affidavit three days' prior to 13.04.2020 due to lockdown on account of Corona Pandemic

3. Learned Advocate for the applicant prayed for extension of time for filing service affidavit. The applicant is permitted to file service affidavit on record.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 148 OF 2020
(Gorakhnath J. Bhalerao Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020

ORAL ORDER :

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

2. According to the learned Advocate for the applicant, he served notices upon the respondents as per order dated 11.03.2020. However, he could not file the service affidavit before the returnable date due to lockdown on account of Corona Pandemic

3. Learned Advocate for the applicant further submitted that the returnable date was 22.4.2020. However, the postal services for Mumbai were not available due to lockdown. However, the respondent No. 1 was served on 15.6.2020 i.e. much after the returnable date. Hence, he wants to serve the respondent No. 1 afresh.

4. The applicant is permitted to file service affidavit on record in respect of respondent Nos. 2 & 3.

5. Issue fresh notice against the respondent No. 1, returnable on 29.10.2020.

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

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O.A. NO. 148 OF 2020

11. S.O. to 29.10.2020.

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

VICE CHAIRMAN

ORAL ORDERS 24.09.2020-hdd

**ORIGINAL APPLICATION NO. 121 OF 2020
(Vaibhav U. Gawali Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench]

DATE : 24.09.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that he served the notices on the respondents as per order dated 06.03.2020. However, he could not submit the service affidavit on record due to lockdown on account of Corona Pandemic

3. Learned Advocate for the applicant prayed for extension of time with permission to file service affidavit on record. The applicant is permitted to file service affidavit on record.

VICE CHAIRMAN

T.A.NO. 01/2020 [W.P.NO. 2057/2020]
(Vaibhav U. Gawali Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 24.09.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that he served the notices on the respondents as per order dated 06.03.2020. However, he could not submit the service affidavit on record due to lockdown on account of Corona Pandemic

3. Learned Advocate for the applicant prayed for extension of time with permission to file service affidavit on record. The applicant is permitted to file service affidavit on record.

VICE CHAIRMAN

ORAL ORDERS 24.09.2020-hdd

**ORIGINAL APPLICATION NO. 96 OF 2020
(Kiran P. Kolte Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench]

DATE : 24.09.2020

ORAL ORDER :

Heard Miss. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that as per order dated 18.02.2020 she served the notices on all the respondents on 25.02.2020 i.e. much prior to the returnable date. However, she could not submit the service affidavit on record due to lockdown on account of Corona Pandemic.

3. Learned Advocate for the applicant prayed for extension of time with permission to file service affidavit on record. The applicant is permitted to file service affidavit on record.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 152 OF 2020
(Avinash B. Londhe Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 24.09.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that she obtained the notices from the office of the Tribunal as per order dated 18.03.2020, which was returnable on 30.04.2020. However, due to nation-wide lockdown due to corona pandemic from 25.03.2020 onwards the notices could not be served upon the respondents before the returnable date. Hence, she prayed for issuance of fresh notices to the respondents.

3. Hence, issue fresh notices to the respondents, returnable on 19.10.2020.

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.

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. 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.

9. S.O. to 19.10.2020.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 29 OF 2020
(Shaikh Akhtar Hussain S/o. Mohd. Hanif Vs. State of
Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020

ORAL ORDER :

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

2. It is submitted by the learned Advocate for the applicant that the notices were collected from the office of the Tribunal as per order dated 09.03.2020 for service upon the respondents and accordingly the applicant posted the notices on 17.03.2020. However, it cannot be ascertained whether the notices were served upon the respondents before the returnable date as the service reports are not available due to lockdown on account of corona pandemic.

3. Learned Advocate for the applicant prayed for issuance of fresh notices to the respondents. Hence, issue fresh notices to the respondents, returnable on 26.10.2020.

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.

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. 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.

9. S.O. to 26.10.2020.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 132 OF 2020
(Jaywant B. Patil Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 24.09.2020

ORAL ORDER :

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

2. It is submitted by the learned Advocate for the applicant that as per order dated 6.3.2020 he collected the notices from the office of the Tribunal for service upon the respondents. The notices were served upon all the respondents on 19.03.2020 as per postal report. However, he could not submit the service affidavit on record before the returnable date due to lockdown on account of Corona Pandemic.

3. Learned Advocate for the applicant prayed for extension of time with permission to file service affidavit on record. The applicant is permitted to file service affidavit on record.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 354/2020
(Suresh L. Kamthane 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 : 24.09.2020

ORAL ORDER :

Heard Shri Girish I. Awale, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks leave of this Tribunal to amend the O.A. as the applicant intends to add the candidates, who are junior to him but placed above him in the seniority list dated 1.1.2015, as party respondents. Leave as prayed for by the applicant is granted. Applicant shall amend the O.A. within a week.

3. In the circumstances, the present matter is removed from the board.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 355/2020
(Smt. Chandana R. Kokani 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 : 24.09.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 22.10.2020.

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.

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 22.10.2020.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 181/2020
(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 : 24.09.2020

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 & 2 and Shri A.P. Basarkar, learned Advocate for respondent nos. 3 to 5.

2. Shri Basarkar, learned Advocate has filed affidavit in reply on behalf of respondent nos. 3 to 5. It is taken on record and copy thereof has been supplied to other side.

3. Learned P.O. has already filed affidavit in reply on behalf of respondent no. 2. Today he seeks time for filing affidavit in reply of respondent no. 1. It reveals from the record that by the order dtd. 10.9.2020 already last chance was granted to the respondent no. 1 for filing affidavit in reply. However, in the interest of justice time is granted to the learned P.O. for filing affidavit in reply of respondent no. 1 as a most last chance.

4. In the circumstances, S.O. to 2.11.2020. 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 : 24.09.2020

ORAL ORDER :

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

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondent nos. 1 to 5 in the M.A. Time granted.

3. Learned Advocate for the applicant has submitted that fresh notice may be issued to the respondent no. 6 in the present M.A. Therefore, issue fresh notice to the respondent no. 6 in the present M.A., returnable on 29.10.2020.

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

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**M.A. 168/2020 IN
O.A. ST. 549/2020**

the case would be taken up for final disposal at the stage of admission hearing.

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. 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.

9. S.O. to 29.10.2020.

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

VICE CHAIRMAN

M.A. 210/2020 IN O.A. 57/2020
(Vrushali B. Tambe 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 : 24.09.2020

ORAL ORDER :

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

2. Learned P.O. seeks time for filing affidavit in reply on behalf of respondents in the present M.A. Time granted.
3. In the circumstances, S.O. to 15.10.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.9.2020

M.A. 222/2020 IN O.A. 1071/2019
(Virbhadra G. Idage 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 : 24.09.2020

ORAL ORDER :

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

2. Issue notices to the respondents in the present M.A., returnable on 19.10.2020.

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.

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

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M.A. 222/2020 IN
O.A. NO. 1071/2019

(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 19.10.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 24.9.2020

M.A. 231/2020 IN O.A. 341/2020
(Mangala M. Pande 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 : 24.09.2020

ORAL ORDER :

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

2. The present M.A. has been filed by the applicant for leave to amend the O.A. no. 341/2020 as per the draft amendment mentioned in prayer clause (b) of the M.A.

3. Learned C.P.O. has no objection to allow the M.A. and thereby allow the applicant to carry out amendment in the O.A. as per the prayer clause (b) of the M.A.

4. It reveals from the record that the proposed amendment is formal in nature and therefore it requires to be allowed.

5. In the circumstances, the present M.A. is allowed. The applicant is permitted to amend the O.A. as per the draft amendment in M.A. The applicant shall carry out the said amendment in the O.A. forthwith.

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**M.A. 231/2020 IN
O.A. 341/2020**

6. Accordingly the M.A. stands disposed of. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.9.2020

O.A. 341/2020

(Mangala M. Pande 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 : 24.09.2020

ORAL ORDER :

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

2. The learned Advocate for the applicant has filed this application for speaking to minutes in the order dtd. 21.9.2020 passed by the Tribunal in O.A. no. 341/2020.

3. Today by passing separate order in M.A. no. 231/2020 this Tribunal has permitted the applicant to amend the O.A. suitably forthwith. He has accordingly amended the O.A.

4. In view of the amendment in the O.A. the place of posting of the applicant is required to be changed as 'Ter' instead of 'Lohara' as mentioned in para no. 2 of the order dtd. 21.9.2020.

5. In the circumstances, the Registrar of the Tribunal is directed to make necessary correction in para no. 2 of the order dtd. 21.9.2020 in respect of place of posting of the

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O.A. 341/2020

applicant as Ter” instead of Lohara” and issue corrected copy of order to the parties.

6. Accordingly the application for speaking to minutes is disposed of.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.9.2020

M.A. 229/2020 IN O.A. 324/2020
(Ashutosh O. Rathor 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 : 24.09.2020

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 12.10.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.9.2020

M.A. 230/2020 IN O.A. 325/2020
(Sandip B. Thakur 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 : 24.09.2020

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 12.10.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.9.2020