

**ORIGINAL APPLICATION NO. 361 OF 2019**  
**(Jijabai J. Sonwane & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri A.D. Gadekar, learned Advocate for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer is assisted by Smt. R.V. Dhondkar, Awwal Karkun, Collector Office, Aurangabad. She has submitted a copies of two internal communications between the Collector, Aurangabad and the Tahsildar, Sillod dated 9.2.2021 and 5.8.2021. The copies of the said letters are taken on record and marked as document 'X' & 'X-1' respectively. However, learned Presenting Officer has not submitted compliance report of the order dated 27.7.2021 regarding filing of reply of respondent Nos. 1 & 2 on applicability of Section 116(6)(a)(i) of the Maharashtra Civil Services (Pension) Rules, 1982 and certain case laws cited in the oral orders of the even date. Learned Presenting Officer seeks two weeks' time. Time granted.

3. S.O. to 12.10.2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 297 OF 2019**  
**(Balaji M. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri A.S. Deshmukh, learned Advocate for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent No. 1 and Shri Santosh B. Mene, learned Advocate for respondent Nos. 2 & 3.

2. At the outset, it has been brought to the notice of learned Advocate for the applicants that the applicants at serial Nos. 21, 27, 32 & 41 have been shown to be in service by making correction in original text of O.A. to that effect and putting initials. However, considering their age these applicants appear to have retired.

3. Learned Advocate for the applicants has sought permission to make necessary correction in the title cause of the O.A. regarding occupation of the aforesaid applicants. Leave as prayed for by the learned Advocate for the applicants is granted. The applicants shall make necessary corrections in the title cause of the O.A. on or before the next date.

4. Learned Presenting Officer was requested during hearing on the previous date to seek instructions regarding

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applicability of communication dated 2.3.2021 issued by one Shri Kailash Bilonikar, Deputy Secretary, Water Resources Department and addressed to different Superintending Engineers. Accordingly, the learned P.O. assisted by Shri Ravindra Borde, Assistant Desk Officer of Water Resources Department, submitted that the said communication is under process of cancellation.

5. Learned Presenting Officer is directed to submit a short affidavit about cancellation of the said communication. He is also required to submit the chart showing particulars of benefit given to each of the 49 applicants and reasons for not giving them benefit of CEA.

6. S.O. to 14.10.2021.

**MEMBER (A)**

ORAL ORDERS 24.09.2021-HDD

**ORIGINAL APPLICATION NO. 428 OF 2021  
(Pravin K. Gawande Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

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

Shri Shelar Harinath Dhondiba, Administrative Officer in the office of Divisional Joint Director of Agriculture, Pune is present today in the court.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 & 2 sworn by Shri Eknath Rajaram Dawale, Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department, Mantralaya, Mumbai, along with two annexures. The said affidavit in reply is taken on record and copy thereof has been served on the learned Advocate for the applicant. It has been pointed out by the learned Advocate for the applicant that while transfer order of the applicant is issued on 27.8.2021, which is purported to have been issued under the provisions of Section 4 (4) (ii) and 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short hereinafter called as "the Transfer Act of 2005"), in the documents submitted earlier

on 27.8.2021 by the learned Presenting Officer which comprise of minutes of meeting of the Civil Services Board held on 23.8.2021, there is no mention of proposal of transfer of the applicant. Instead there is internal communication from the office of Hon'ble Minister (Agriculture) indicating names of the officers and their transfer details approved by the Hon'ble Minister (Agriculture). Learned Presenting Officer has been asked to produce copy of notification issued by the department of Agriculture, Government of Maharashtra indicating the competent authority for effecting transfers of officers of the rank of the applicant under the provisions of the Transfer Act of 2005 and copy of document showing approval of transfer of the applicant by the competent authority mentioned there.

3. S.O. to 28.9.2021.

**MEMBER (A)**

ORAL ORDERS 24.09.2021-HDD

**ORIGINAL APPLICATION NO. 215 OF 2021**  
**(Dr. Mangesh M. Ghodke Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has made submissions that temporary arrangement made by the Chief Executive Officer, Zilla Parishad, Aurangabad, vide order dated 10.8.2020, a copy of which is placed at Annexure 'A-1', page-8, of paper book had been nullified by final posting of Dr. Vivek Vasant Kamble back to the Primary Health Centre, Shendurvada, Tq. Gangapur, Dist. Aurangabad without posting Dr. Mangesh M. Ghodke back as Taluka Health Officer, Gangapur. Instead, in his place some other officer has been posted at Gangapur and Dr. Mangesh Ghodke is waiting for posting. Therefore, the present O.A. has become infructuous and no further action is required to be taken on it.

3. Accordingly, the present Original Application stands disposed of without any order as to costs.

**MEMBER (A)**

**C.P. No. 30/2019 in O.A. No. 526/2011**

**(Mohd. Azizullah Khan since dead through his widow Smt. Qusiya Shameem M.A. Khan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**AND**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted as a last chance.

3. S.O. to 21.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**C.P. No. 12/2021 in O.A. No. 02/2019**  
**(Tukaram R. Bhojane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Shri V.M. Maney, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is file on behalf of respondent No. 4.

3. At the request of learned Presenting Officer, S.O. to 20.10.2021 for filing affidavit in reply on behalf of respondent Nos. 1 to 3, if any.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 833 OF 2019**  
**(Komal R. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Shri P.N. Nagargoje, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 & 2. Shri N.L. Choudhary, learned Advocate for respondent No. 3, **absent**.

2. S.O. to 25.10.2021 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1030 OF 2019**  
**(Dr. Jaya P. Dighe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 4, Shri A.B. Rajkar, learned Advocate for respondent Nos. 5 to 12 & 14, N.S. Choudhary, learned Advocate for respondent No. 13 and Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for respondent No. 15.

2. Learned Advocate for respondent Nos. 5 to 12 & 14 filed affidavit in reply. Same is taken on record and copy thereof has been served on the other sides.

3. Learned Presenting Officer placed on record a copy of communication dated 27.02.2019 received from the respondent No. 3 – M.P.S.C., thereby it is stated that the affidavit in reply is not necessary.

4. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

5. S.O. to 22.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 288 OF 2020**  
**(Sandip S. Markad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri A.G. Ambetkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3. Shri V.C. Suradkar, learned Advocate for respondent No. 4 and Shri R.A. Tambe, learned Advocate for respondent No. 5, are **absent**.

2. Record shows that affidavit in reply is not filed by the respondent No. 1.
3. Learned Presenting Officer submits that the affidavit in reply of respondent No. 1 is not necessary.
4. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
5. S.O. to 25.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 78 OF 2021**  
**(Shubhangi Y. Pawale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 1. Shri C.D. Biradar, learned Advocate for respondent No. 2, **absent**.

2. Record shows that affidavit in reply is file on behalf of respondent No. 2.

3. Learned Presenting Officer submits that the respondent No. 1 adopts the affidavit in reply filed on behalf of respondent No. 2

3. S.O. to 25.10.2021 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 265 OF 2021  
(Vasant S. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

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

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

3. S.O. to 21.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 271 OF 2021  
(Shivaji S. Kawade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 26.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 175/2021 in O.A. No. 904/2018**  
**(Shaikh Ayyub Shaikh Jaleel Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri Quadari Taher Ali, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 21.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A. 188/2021 with M.A. 152/2021 in O.A. 431/2020  
(Purushottam G. Khule Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri S.P. Salgar, learned Advocate for respondent Nos. 3 to 5 (Applicants in M.A. No. 152/2021). Shri S.D. Joshi, learned Advocate for respondent No. 6, **absent**.

2. Learned Chief Presenting Officer filed affidavit in reply on behalf of respondent No. 2 in M.A. No. 188/2021. Same is taken on record and copy thereof has been served on the other side.

3. Learned Advocate for respondent Nos. 3 to 5 submits that he does not wish to file affidavit in reply in M.A. No. 188/2021.

4. S.O. to 22.10.2021.

**MEMBER (A)**

**MEMBER (J)**



**M.A. No. 289/2021 in O.A. St. No. 1162/2021  
(Holambe N. Dagdu & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri C.V. Dharurkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 25.09.2021 for order on interim relief.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 67/2020 in O.A. St. No. 90/2020  
(Bismillabee J. Shaikh Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri G.N. Kulkarni, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 26.10.2021 for hearing.

**MEMBER (A)**

**MEMBER (J)**

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

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate holding for Ms. Poonam V. Bodke Patil, 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, time is granted for filing rejoinder affidavit.
3. S.O. to 26.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 232 OF 2020  
(Rohini N. Charole Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**AND**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Ms. Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3, Shri B.S. Chondhekar, learned Advocate for respondent No. 4 and Shri S.P. Salgar, learned Advocate holding for Shri N.V. Gaware, learned Advocate for respondent No. 5.

2. Record shows that affidavit in reply on behalf of respondent Nos. 2 and 4 is already filed on record.

3. Learned Advocate for respondent No. 5 filed affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

4. Learned Presenting Officer submits that the respondent Nos. 1 & 3 adopts the affidavit in reply filed on behalf of respondent No. 2.

5. At the request of learned Advocate for the applicant, S.O. to 20.10.2021 for filing rejoinder affidavit.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 292 OF 2021  
(Kashinath H. Devtule Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

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

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 and 2.
3. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
4. Pleadings are complete. The present matter is pertaining to recruitment. Hence, the present O.A. is admitted and it be fixed for final hearing on 26.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 564 OF 2021**  
**(Sahas Sumant Kulkarni Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that there is typographical mistake at page No. 24 (b) about the period of replying notice. It is wrongly typed as “6 months” instead of “1 month”. Therefore, he seeks leave to correct the same.

3. Leave as prayed for the applicant is granted. The applicant shall correct the same forthwith.

4. The present Original Application is filed challenging the impugned notice of premature compulsory retirement dated 24.06.2021 (Annexure A-3) issued by the respondent No. 2. The applicant is seeking interim stay to the execution and implementation of the said notice during pendency of hearing and final disposal of the present Original Application.

//2// O.A. No. 564/2021

5. The applicant entered in the service of the respondent No. 1 on 02.08.1992 as Food Inspector. At present the applicant is working on the post of Food Safety Officer at Jalna, Dist. Jalna. The respondent No. 1 issued G.R. dated 07.06.2021 (Annexure A-1) conveying the decision of the respondent No. 1 of holding the applicant ineligible for further continuation in service. Pursuant to that the respondent No. 2 issued impugned premature compulsory retirement notice dated 24.06.2021 (Annexure A-3) to the applicant calling upon the applicant why he should not be retired prematurely from Government service w.e.f. 30.09.2021. The applicant received the said notice on 01.07.2021. Reply was to be given to the said notice within one month. The applicant made application dated 07.07.2021 (Annexure A-5) to the respondent No. 2 seeking extension of time for reply and to supply certain documents. The applicant did not receive any response. He made second application dated 20.08.2021 (Annexure A-6) placing short reply on record without documents. Thereafter, he sent two more applications dated 07.09.2021 (Annexure A-7(i) & (ii)) to the respondent Nos. 2 and 1 respectively in that regard seeking relevant documents.

6. Learned Advocate for the applicant strenuously urged before at the outset that the impugned premature

compulsory retirement notice is illegal inasmuch as it is not issued in Form 30 pursuant to Rule 10 (4)(a)(i)and(ii) of the Maharashtra Civil Services (Pension) Rules, 1982. He pointed out that the said premature compulsory retirement notice is required to be signed and in the name of Government of Maharashtra. However, it is signed by the respondent No. 2, who is not empowered to issue such notice.

7. After having considered the provisions of concerned Rule 10 (4)(a)(i)and(ii) of the Maharashtra Civil Services (Pension) Rules, 1982, we find that the impugned notice is not issued in accordance with the provisions thereof, which is mandatory in nature. In the circumstances, we are of the opinion that this is a fit case to grant ad-interim stay to the execution and implementation of the said impugned notice. In the result, we grant the prayer Clause 12 (D) made by the applicant in the Original Application till filing of the affidavit in reply by the respondents.

8. Issue notice to the respondents, returnable on 27.10.2021.

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



//4// O.A. No. 564/2021

10. 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.

11. 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.

12. 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.

13. S.O. to 27.10.2021.

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

15. The present matter be placed on separate board.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.83/2021**  
**(Ashok Tonde & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri G.K.Kshirsagar, learned Advocate for the Applicant and Shri V.R.Bhumkar, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant files affidavit in rejoinder to the affidavit in reply. Copy furnished to the learned P.O. He may file rejoinder, if necessary.

3. S.O. to 21-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.241/2019**  
**(Chandrakant Patange & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri V.B.Wagh, learned Advocate for the Applicants and Shri B.S.Deokar, learned Presenting Officer for the Respondent no.1, Shri S.B.Mene learned Advocate for respondent nos.2, 3, & 5 and Shri G.N.Patil learned Advocate for respondent no.4.

2. It has been brought to the notice of learned Advocate for the applicants that the prayer clause starts from implementation of G.R. dated 16-09-2016 only and no relief has been sought under any Government Resolution prior to that. Upon which it has been clarified by the learned Advocate for the applicant that benefit under Government Resolution for prior period will get accrued as a natural corollary to the prayer of relief under G.R. dated 16-09-2016. He submitted that applicants are also seeking relief in terms of getting them benefit of the pay scale of Civil Engineering Assistant (CEA) and Junior Engineer. He has also made reference to the chart enclosed as Annexure A-1 (paper book page 13-14) in which first four columns depict factual position as they are. However, information in column no.5 to 8 is regarding what the applicants are asking for.

3. Responding to the point of limitation in filing O.A. seeking relief for already retired employees the learned Advocate for applicants submitted that the citations submitted by him earlier on 25-06-2021 are self-explanatory and cover the point of limitation. He also submitted that the G.R. dated 16-09-2021 has applicability with retrospective effect.

4. Learned Advocates for respondent nos.2 to 5 have contested by saying that the applicants have not been given status of CEA, instead the fact is that only their temporary/ad-hoc appointments have been regularized. They were initially appointed as daily wager, temporary or on ad-hoc basis and then brought on Converted Regular Temporary Establishment (CRTE). Thereafter, they have been given benefit of first and second time bound promotion/assured career progression scheme. They have already retired and reopening that chapter for getting relief as prayed for is barred by limitation.

5. Learned Advocates for respondent nos.2 to 5 are advised to get two charts prepared; chart no.1 showing details of benefits given to the applicants covering their date of appointment, post on which they were appointed, date of bringing them on CRTE, date and pay scale given at first and after time bound promotion, and chart no.2 should cover a matrix showing criteria for giving benefit of

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elevation to CEA level, ticking the boxes where each applicant is qualifying, and marking boxes with “X” where he did not qualify, which will be self-explanatory to show that as to why the applicants have not been elevated as CEA.

6. Learned Advocates for respondent nos.2 to 5 have sought time for the same. Time is granted.

7. S.O. to 12-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.23/2020**  
**(Arvind Awad & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri H.P.Jadhav, learned Advocate for the Applicant and Shri S.K.Shirse, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 22-10-2021.

**MEMBER (A)**

YUK ORAL ORDERS 24.09.2021

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

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Shri V.B.Dhage, learned Advocate for the Applicant has filed **leave note** on record. Smt. Deepali Deshpande, learned Presenting Officer for the Respondents is present.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 20-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.456/2020**  
**(Parvatibai Mali Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Shri V.B.Dhage, learned Advocate for the Applicant has filed **leave note** on record. Smt. Sanjivani Ghate, learned Presenting Officer for the Respondents is present.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 20-10-2021.

**MEMBER (A)**



**ORIGINAL APPLICATION NO.113/2021**  
**(Vaijinath Navande Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Shri V.B.Dhage, learned Advocate for the Applicant has filed **leave note** on record. Shri B.S.Deokar, learned Presenting Officer for the Respondents is present.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 20-10-2021.

**MEMBER (A)**

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

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri J.S.Deshmukh, learned Advocate for the Applicant and Shri D.R.Patil, learned Presenting Officer for the Respondent.

2. Learned P.O. files affidavit in reply on behalf of the respondent. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 21-10-2021 for filing rejoinder, if any.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.475/2021**  
**(Dr. Sanjay K. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri V.B.Wagh, learned Advocate for the Applicant and Shri S.K.Shirse, learned Presenting Officer for the Respondents.

2. Learned Advocate Shri Wagh on instructions received from the applicant states that the applicant wants to withdraw the O.A. as he does not wish to prosecute the same. Accordingly, learned Advocate for the applicant prays for leave to withdraw the O.A. Leave as prayed for is granted.

3. O.A. stands disposed of as withdrawn with no order as to costs.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.509/2021**  
**(Dr. Ramling Mahajan Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Shri A.B.Girase, learned Advocate for the Applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the Respondents.

2. It seems that the notices have not been served on respondents and service affidavit is also not filed. Learned Advocate for the applicant to take steps in the matter otherwise appropriate order will be passed.

3. S.O. 14-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.59/2018**  
**(Umesh Parate Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri S.D.Joshi, learned Advocate for the Applicant and Shri B.S.Deokar, learned Presenting Officer for the Respondents.

2. Learned P.O. prays for time for arguing the matter finally. Time is granted.

3. S.O. to 05-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.721/2018**  
**(Bhagwat Sangle Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri V.B.Wagh, learned Advocate for the Applicant, Smt. M.S.Patni, learned Presenting Officer for the Respondent no.1 and Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3.

2. Learned Advocate for the applicant as well as the learned P.O. pray for time for arguing the matter finally. Time is granted.

3. S.O. to 11-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.211/2020  
(Nilesh Dighe Vs. State of Maharashtra & Ors.)**

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

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri M.S.Taur, learned Advocate for the Applicant and Shri V.R.Bhumkar, learned Presenting Officer for the Respondents.

2. Learned P.O. prays for time for arguing the matter finally. Time is granted.

3. S.O. to 14-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.66 OF 2018**  
**(Dnyeshwar P. Kadam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

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

2. The present matter is already part heard.
3. S.O. to 28.09.2021.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO.845 OF 2016**  
**(Dineshkumar B. Bagul Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 22.10.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.946 OF 2017  
(Namdeo L. More Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 26.10.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.847 OF 2018**  
**(Ananda N. Kolewad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no.1 to 3 and Smt. N.V. Borse, learned Advocate holding for Shri M.R. Wagh, learned Advocate for the respondent no.4.

2. By consent of the parties, S.O. to 22.10.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.939 OF 2017**  
**(Dattatraya S. Bargaje Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 21.10.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.110 OF 2019  
(Ashok M. Randhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 13.10.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.423 OF 2018**  
**(Rameshwar S. Gopal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent nos.1 to 3. Smt. Nima R. Suryawanshi, learned Advocate for the respondent no.4 is **absent**.

2. By consent of both the sides, S.O. to 29.10.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

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

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 29.10.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

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

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the sides, S.O. to 26.10.2021 for hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 457/2021**  
**(Sahil A. Kankale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Smt. Pratibha R. Jamdhade, learned Advocate holding for Smt. Maya Jamdhada, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 27.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 458/2021**  
**(Mahendra K. Yangade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Smt. Pratibha R. Jamdhade, learned Advocate holding for Smt. Maya Jamdhada, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to 27.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 359/2021**

**(Hajrabee @ Nurbee Shaikh Nijam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 24.09.2021**

**ORAL ORDER :**

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

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

3. S.O. to 26.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 451/2021**  
**(Dr. Suresh M. Betkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

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

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

3. S.O. to 25.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 450/2021**  
**(Dr. Pratap P. Ege Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri S.D. Joshi, 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. Time granted.

3. S.O. to 25.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 449/2021**  
**(Dr. Arun S. Shirurkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

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

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

3. S.O. to 25.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 399/2021**  
**(Dr. Shivaji J. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**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. seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 22.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 368/2021**  
**(Nanda M. Paul & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri K.G. Salunke, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned P.O. files reply of res. No. 4. It is taken on record and copy thereof has been supplied to other side. He further seeks time for filing affidavit in reply on behalf of rest of the respondents. Time granted.

3. S.O. to 29.10.2021.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 348/2021**  
**(Balaji M. Ghulekar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri Manish V. Thorat, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the service on respondents is awaited. Therefore, he seeks time.

3. S.O. to 28.10.2021. Await service of the respondents.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 210/2021**  
**(Lala M. Jadhavar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri S.T. Chalikwad, learned Advocate for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 & 6 and Shri A.D. Gadekar, learned Advocate for respondent nos. 2 to 5.

2. Record shows that respondent nos. 2 to 5 have filed their affidavit in reply.

3. Learned P.O. seeks time for filing affidavit in reply on behalf of respondent nos. 1 & 6. Time granted.

4. S.O. to 25.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 306/2021**  
**(Smt. Suwarna S. Bedre Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 24.09.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant points out that the respondents have not complied with the interim order passed by this Tribunal dated 1.7.2021. He further submits that in the prayer clause 9(a) it is wrongly mentioned that the representation dated 9.6.2021 is made by the applicant to the respondent no. 1, however, in fact, it is made to the respondent no. 2. He, therefore, seeks leave of the Tribunal to correct the prayer clause 9(a) in that regard. Leave as prayed for is granted.

3. In view of above, the interim order dated 1.7.2021 passed by the Tribunal is modified to that extent. Therefore, the respondent no. 2 is directed to decide the representation of the applicant dated 9.6.2021 in accordance with law within the period of 15 days from today.

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**O.A. NO. 306/2021**

4. Learned P.O. seeks time to file affidavit in reply and also make submissions on the above line. Time granted.

5. S.O. to 21.10.2021.

**MEMBER (J)**

ARJ ORAL ORDERS 24.09.2021

**ORIGINAL APPLICATION NO. 238/2021**  
**(Pandurang H. Bhalerao & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Shri Vikram S. Kadam, learned Advocate for the applicants (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1 and Shri G.N. Patil, learned Advocate for respondent nos. 2 & 3, are present.

2. Learned C.P.O. for respondent no. 1 & learned Advocate for respondent nos. 2 & 3 seek time for filing affidavit in replies on behalf of respective respondents. Time granted.

3. S.O. to 28.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 239/2021**  
**(K.M. Ajegaonkar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Shri Vikram S. Kadam, learned Advocate for the applicants (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1. None appears for respondent nos. 2 & 3, though duly served.

2. Learned C.P.O. seeks time for filing affidavit in reply on behalf of respondent no. 1. Time granted.

3. S.O. to 28.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 240/2021**  
**(Ranjeetsingh B. Rajput & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Shri Vikram S. Kadam, learned Advocate for the applicants (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1 and Shri S.B. Mene, learned Advocate for respondent nos. 2 & 3, are present.

2. Learned C.P.O. for respondent no. 1 & learned Advocate for respondent nos. 2 & 3 seek time for filing affidavit in replies on behalf of respective respondents. Time granted.

3. S.O. to 28.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 241/2021**

**(Prakash S. Shegokar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Shri Vikram S. Kadam, learned Advocate for the applicants (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1 and Shri A.D. Gadekar, learned Advocate for respondent nos. 2 & 3, are present.

2. Learned C.P.O. for respondent no. 1 & learned Advocate for respondent nos. 2 & 3 seek time for filing affidavit in replies on behalf of respective respondents. Time granted.

3. S.O. to 28.10.2021.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 242/2021**  
**(Shaikh Mohamad Farukh Mohamad Mastan & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Shri Vikram S. Kadam, learned Advocate for the applicants (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1. None appears for respondent nos. 2 & 3, though duly served.

2. Learned C.P.O. seeks time for filing affidavit in reply on behalf of respondent no. 1 Time granted.

3. S.O. to 28.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 243/2021**  
**(Pandurang R. Bellale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Shri Vikram S. Kadam, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1 and Shri N.U. Yadav, learned Advocate for respondent nos. 2 & 3, are present.

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

3. Learned C.P.O. seeks time for filing affidavit in reply of respondent no. 1. Time granted.

4. S.O. to 28.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 244/2021**  
**(Venkat R. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Shri Vikram S. Kadam, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1 and Shri N.U. Yadav, learned Advocate for respondent nos. 2 & 3, are present.

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

3. Learned C.P.O. seeks time for filing affidavit in reply of respondent no. 1. Time granted.

4. S.O. to 28.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 245/2021**  
**(Sunil R. Dharmadhikari Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Shri Vikram S. Kadam, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1. None appears for respondent nos. 2 to 4, though duly served.

2. Learned C.P.O. seeks time for filing affidavit in reply of respondent no. 1. Time granted.

3. S.O. to 28.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 575/2021**  
**(Dr. Sonali T. Gadhave Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Heard S/shri Yashwant Jadhav & Mayur Salunke, learned Advocates for the applicant and Shri M.G. Gude, learned Presenting Officer for the respondents.

2. The Original Application is filed challenging the impugned transfer order of the applicant dated 30.8.2021 (Annex. - F), thereby the applicant has been transferred from the post of Dental Surgeon, Rural Hospital, Vashi, Dist. Osmanabad to Rural Hospital, Mahad, Dist. Raigarh.

3. The applicant has been working as a Dental Surgeon at Rural Hospital, Vashi, Dist. Osmanabad since the date of her initial appointment i.e. from 2.12.2017. Her husband is working as a Medical Officer at General Hospital, Mira Bhayandar, Dist. Thane since 25.7.2019 (Annex. - B page 21). The applicant made application dated 16.8.2019 (Annex. - B) for request transfer at Rural Hospital, Monor, Palghar under the couple convenience policy of the

Government. That application of the applicant was not considered. She thereafter made another application dated 8.10.2020 (part of Annex. -B) seeking request transfer on the same place. Her said request was also turned down as per the report of the Civil Services Board (Annex. -C). Thereafter, all of a sudden, the impugned transfer order dated 30.8.2021 (Annex. - F) is issued by the respondent no. 1 transferring the applicant from Rural Hospital, Vashi, Dist. Osmanabad to Rural Hospital, Mahad, Dist. Raigarh, treating it as request transfer of the applicant.

4. Learned Advocate for the applicant submits that after rejection of application of the applicant dated 8.10.2020, no fresh request for transfer is made by the applicant. Her earlier application for request transfer was rejected by the respondents. In view of the same, he seeks interim stay to the implementation & execution of the impugned transfer order of the applicant. He submits that the applicant has not relieved from her present post.

5. Learned P.O. opposed the submissions raised on behalf of the applicant. He, however, fairly submitted that the applicant has not been relieved from her present post. He seeks time for filing affidavit in reply of the respondents.

6. Considering the facts as above, it is prima-facie evident that after rejection of the applications of the applicant dated 16.8.2019 & 8.10.2020 no fresh application is made by the applicant for her request transfer. However, the impugned transfer order dated 30.8.2021 states that the applicant is transferred on her request from the Rural Hospital, vashi, Dist. Osmanabad to the Rural Hospital, Mahad, Dist. Raigarh. In view of the same, prima-facie, the impugned transfer order of the applicant seems to have been issued by not following the provisions of the Transfer Act, 2005. Therefore, this is a fit case to grant interim stay for the execution and operation of the impugned transfer order dated 30.8.2021, till filing of affidavit in reply by the respondents. Hence, I pass the following order :-

**ORDER**

1. Ad interim stay is granted to implementation and execution of the impugned transfer order of the applicant dated 30.8.2021 (Annex. F) till filing affidavit in reply by the respondents.
2. Issue notices to the respondents, returnable on 29.10.2021.
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. S.O. to 29.10.2021.



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**O.A. NO. 575/2021**

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

**MEMBER (J)**

ARJ ORAL ORDERS 24.09.2021

**ORIGINAL APPLICATION NO. 85/2020**  
**(Satwa N. Sangle Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri S.P. Dhoble, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 29.10.2021 for hearing at the stage of admission.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 930/2016**  
**(Chudaman D. Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 24.09.2021**

**ORAL ORDER :**

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

2. Record shows that affidavit in reply is already filed by the respondent nos. 1 to 6. Record further shows that respondent no. 2 also filed separate affidavit in reply.

3. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit. He places on record copy of order dtd. 26.8.2019 passed by this Tribunal in O.A. NO. 931/2016. The said document is taken on record and marked as Document 'X' for the purpose of identification. By the said order the O.A. bearing no. 931/2016 filed by the applicant is disposed of by this Tribunal as by the Government order dated 10.8.2020 the departmental enquiry initiated against the applicant was withdrawn.

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**O.A. NO. 930/2016**

4. In the circumstances, the present O.A., which is filed by the applicant claiming interest on delayed payment of pensionary benefits, is admitted.

5. S.O. to 25.10.2021 for final hearing.

**MEMBER (J)**

ARJ ORAL ORDERS 24.09.2021

**O.A. NO. 444/2020 with CAVEAT 14/2020  
(Alkesh D. Getme Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Shri Shashikant T. Chalikwar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent nos. 1 & 2, Shri U.P. Giri, learned Advocate holding for Shri E.G. Irale, learned Advocate for respondent nos. 3 & 4 and Shri B.R. Kedar, learned Advocate for respondent no. 5.

2. The O.A. is filed challenging the transfer order of the applicant dated 10.8.2020 issued by the respondent no. 1 thereby the applicant is transferred from Ahmednagar to Bhandara.

3. The learned Advocate for the applicant has placed on record the application of the applicant seeking withdrawal of the present O.A. stating that the grievance of the applicant is redressed by the Government order dated 30.8.2021 issued by the respondent no. 1. The said document is taken on record and marked as document 'X' for the purpose of identification.

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**O.A. NO. 444/2020 with  
CAVEAT 14/2020**

4. I have no reason to refuse permission to withdraw the present O.A. Hence, permission to withdraw the O.A. is granted.

5. Accordingly the present O.A. is disposed of as withdrawn. There shall be no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 319/2021**  
**(Netaji G. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 24.09.2021**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Record shows that respondent nos. 1 to 5 has already filed their affidavit in reply. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit. The matter pertains to the suspension of the applicant.

3. In the above circumstances, present O.A. is admitted.

4. S.O. to 22.10.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 558/2019**  
**(Udalsingh A. Bohara Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Shri A.L. Kanade, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 14.10.2021.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 559/2019**  
**(Janardhan P. Muley Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 24.09.2021**

**ORAL ORDER :**

Shri A.L. Kanade, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 14.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.569 OF 2021**  
**(Jagannath M. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 24.09.2021**

**ORAL ORDER :**

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

2. Today, learned Advocate for the applicant has produced on record the copies of citations for consideration when the matter was placed for order on the point of interim relief. In this regard, the question arises as to whether the charge sheet in Criminal Case is received by the applicant and how many accused are there in the Criminal Case and the stage of the said Criminal Case, if any.

3. Perusal of the record shows that there is no relevant specific pleading in that regard.

4. Learned Advocate for the applicant submits that he would produce the details of the said criminal case on the next date i.e. on 25.09.2021.

5. S.O. to 25.09.2021.

**MEMBER (A)**

**MEMBER (J)**

**Date :24.09.2021**

**ORIGINAL APPLICATION NO.577 OF 2021**

**(Ramdas Eknath Misal V/s The State of Maharashtra & Ors.)**

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

1. Shri R.N. Chavan, Id. Advocate for the applicant and Shri M.S. Mahajan, Id. C.P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 28.10.2021. The case be listed for admission hearing on 28.10.2021.

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**