

DATE : 03.05.2021

ORIGINAL APPLICATION NO. 188 OF 2021

(Jayshree R. Dixit Vs. The State of Maharashtra & Ors.)

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

1. Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 15.06.2021. The case be listed for admission hearing on 15.06.2021.
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

ORIGINAL APPLICATION NO. 134 OF 2021
(Smt. Rupali R. Chaugule Vs. State of Maharashtra & Ors.)

CORAM : Shri V.D. Dongre, Member (J)

DATE : 03.05.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate holding for Shri A.V. Bandiwadekar, 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 still not filed by the respondents.
3. Learned C.P.O. seeks time for filing affidavit in reply in view of COVID-19 pandemic situation.
4. Learned Advocate for the applicant submits that already time was granted for filing affidavit in reply.
5. In the interest of justice, final chance is granted for enabling the respondent to file affidavit in reply.
6. S.O. to 16.06.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 151 OF 2021
(Dattatraya A. Ubale Vs. State of Maharashtra & Ors.)

CORAM : Shri V.D. Dongre, Member (J)

DATE : 03.05.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue fresh notices to the respondents, returnable on 28.05.2021.

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.

//2//

O.A. No. 151/2021

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 28.05.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 152 OF 2021
(Shri Vishnu S. Misal Vs. State of Maharashtra & Ors.)

CORAM : Shri V.D. Dongre, Member (J)

DATE : 03.05.2021

ORAL ORDER :

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

2. Learned Presenting Officer for the respondents seeks time for filing affidavit in reply.

3. In the facts and circumstances, time is granted till 10.06.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 172 OF 2021
(Shri Baliram S. Pandule Vs. State of Maharashtra & Ors.)

CORAM : Shri V.D. Dongre, Member (J)

DATE : 03.05.2021

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 Presenting Officer for the respondents seeks time for filing affidavit in reply. Time granted.
3. S.O. to 11.06.2021.
4. Interim relief granted earlier to continue till next date.

MEMBER (J)

ORIGINAL APPLICATION NO. 570 OF 2020
(Shri Abasaheb M. Ingle Vs. State of Maharashtra & Ors.)

CORAM : Shri V.D. Dongre, Member (J)

DATE : 03.05.2021

ORAL ORDER :

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

2. Record shows that the affidavit in reply is filed by the respondent.
3. Learned Advocate for the applicant seeks one week's time for filing rejoinder. Time granted.
4. S.O. to 10.05.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 149 OF 2021
(Shri Sunil H. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri V.D. Dongre, Member (J)

DATE : 03.05.2021

ORAL ORDER :

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

2. The present matter is heard finally.
3. S.O. to 06.05.2021 for order.

MEMBER (J)

C.P. NO. 7/2021 IN O.A. NO. 768/2017
(Rajan A. Lengde & Ors. Vs. State of Maharashtra & Ors.)

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

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

DATE : 3.5.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is the grievance of the applicants that the respondents and more particularly the respondent nos. 2 to 4 have failed to comply the order dated 13.11.2019 passed by this Tribunal in O.A. No. 768/2017. Consequently, the respondents are liable for contempt. Learned Advocate for the applicants submits that after passing of the said order dated 13.11.2019 by this Tribunal in O.A., various communications were made by the applicants to the concerned respondents and finally Advocate's notice dated 23.11.2020 was also issued, but the respondents have failed to comply with the concerned order.

3. In view of above, issue notices to the respondents in the present C.P., returnable on 15.6.2021.

::-2-::

C.P. NO. 7/2021 IN O.A. NO. 768/2017

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

5. Applicants are 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. S.O. to 15.6.2021.

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

MEMBER (J)

T.A. 2/2021 (WRIT PETITION NO. 2612/2021)
(Samiksha R. Chandrakar & Anr. Vs. State of Maharashtra & Ors.)
WITH
T.A. 1/2021 (WRIT PETITION NO. 4908/2021)
(Shivaji T. Shinde Vs. State of Maharashtra & Ors.)

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

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

DATE : 3.5.2021

ORAL ORDER :

Heard Shri Ajay S. Deshpande , learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicants submits that T.A. No. 2/2021 is filed by the 2 applicants seeking relief in respect of the seniority list. The said T.A. was originally filed before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad which was writ petition No. 2612/2021 and the Hon'ble High Court was pleased to grant the interim protection by way of Statusquo. Thereafter the said writ petition No. 2612.2021 has been transferred to this Tribunal as this Tribunal is having the jurisdiction to entertain and decide the matter. After transfer of writ petition No. 2612/2021 this Tribunal renumbered it as T.A. No. 2/2021. He further submits that this Tribunal is also pleased to continue the interim protection granted by the Hon'ble High Court till today i.e. till 3.5.2021. He also files rejoinder of the applicants. It is

::-2-::

T.A. 2/2021 WITH T.A. 1/2021

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

3. Shri Deshpande, learned Advocate for the applicants seeks leave of this Tribunal to add accompanying chart at page no. 205 (A) of T.A. 2/2021. Leave as sought for is granted.

4. Learned C.P.O. for the respondents affirms the aforesaid facts, but he objected for further extension of interim relief. He further submits that already the Respondent State has filed Misc. Application U/s 25 of the Administrative Tribunals Act, 1985 before the Hon'ble Chairperson for transfer of this matter before the principal seat of this Tribunal at Mumbai.

5. At this stage Shri Avinash S. Deshmukh, learned Advocate for the applicant in T.A. no. 1/2021 appeared and submitted that this T.A. no. 1/2021 is of similar nature as that of T.A. no. 2/2021. He submits that applicant in T.A. no. 1/2021 also filed writ petition No. 4908/2021 before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad and as this Tribunal is having the jurisdiction to deal with the said matter, Hon'ble High Court transferred the same to this Tribunal. Upon transfer of the writ petition this Tribunal renumbered it as T.A. No. 1/2021. He further submits that in T.A. no. 1/2021

::-3-:: **T.A. 2/2021 WITH T.A. 1/2021**

Hon'ble High Court or this Tribunal has not granted any interim protection in favour of the applicant. He, however, requests for keeping this T.A. no. 1/2021 together with T.A. no. 2/2021 for hearing.

6. Shri Deshmukh, learned Advocate for the applicant also seeks leave of this Tribunal to add accompanying chart at appropriate page no. of T.A. 1/2021. Leave as sought for is granted.

7. In view of submissions of Shri Deshmukh, learned Advocate for the applicant in T.A. no. 1/2021, Registry is directed to tag T.A. no. 1/2021 along with T.A. no. 2/2021.

8. Both the matters pertain to the Division Bench. Presently the Division Bench is not available at this Bench.

9. In the above circumstances, S.O. to 8.6.2021. The interim relief granted earlier in T.A. No. 2/2021 to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 484/2020
(Dr. Balasaheb Tak Vs. State of Maharashtra & Ors.)

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

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

DATE : 3.5.2021

ORAL ORDER :

Heard Shri Ashish Manglani, learned Advocate holding for Shri Amit A. Yadkikar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned P.O. has placed on record copy of order dated 1.4.2021 passed by the respondent, whereby the suspension order of the applicant impugned in this O.A. is revoked. He also placed on record the copy of orders dated 7.4.2021 and 8.4.2021 passed by the Chief Administrative Officer, Office of the Health Commissioner, Mumbai and the Deputy Director, Health Services, Latur respectively, reinstating the applicant in service.

3. In view of above documents, learned P.O. submits that this O.A. has become infructuous and is liable to be disposed of.

4. Learned Advocate for the applicant submits that he wants to take instructions from the applicant on the above developments and requests for short adjournment.

::-2-::

O.A. NO. 484/2020

5. In the circumstances, at the request of learned Advocate for the applicant, S.O. to 11.5.2021 for taking instructions from the applicant.

MEMBER (J)

ARJ ORAL ORDERS 3.5.2021 – DIAS ORDER

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

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

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

DATE : 3.5.2021

ORAL ORDER :

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

2. Learned C.P.O. has filed affidavit in reply on behalf of respondent nos. 1 to 3. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, issue fresh notice to respondent no. 4, returnable on 25.5.2021.

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

::-2-::

O.A. NO. 25/2021

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. S.O. to 25.5.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 183/2021
(Satyajeet M. Ambhore Vs. State of Maharashtra & Ors.)

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

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

DATE : 3.5.2021

ORAL ORDER :

Heard Shri V.P. Bakal, 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 the matter is urgent and it is to be heard on priority basis.
3. Learned C.P.O. seeks time for filing affidavit in reply of the respondents.
4. Considering the facts and circumstances of the case, in my opinion, it is just and proper to grant time to the respondents to file affidavit in reply.
5. In the circumstances, S.O. to 24.5.2021 for filing affidavit in reply by the respondents.

MEMBER (J)

ORIGINAL APPLICATION NO. 12/2020
(Vaibhav V. Chandle & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 3.5.2021

ORAL ORDER :

Heard Shri Arvind Tiwari, learned Advocate holding for Shri H.P. Jadhav, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents submits that prayer clause (B) appearing at paper book page 19 of O.A. shows that the applicants are challenging the particular clause of G.R. dated 20.5.2015 and, as such, the present matters pertains to Division Bench and it should be heard by the Division Bench.

3. Learned Advocate for the applicants submits that pleadings of the applicants in the O.A. would show that the applicants want quashment of the impugned order dated 31.12.2019.

::-2-::

O.A. NO. 12/2020

4. Considering the above facts and circumstances of the case, the learned Advocate for the applicants to explain whether the applicants want to challenge the particular clause of the G.R. dated 20.5.2015 or not.

5. In the circumstances, S.O. to 10.6.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 264/2020
(Sunilkumar R. Rathi Vs. State of Maharashtra & Ors.)

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

DATE : 3.5.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 & 2, Shri M.V. Vibhute, learned Advocate for respondent no. 3 and Shri V.B. Wagh, learned Advocate for respondent no. 4.

2. Learned Advocate for the applicant invited my attention to the observations made by this Tribunal in its order dated 18.2.2021 and more particularly observations made in para 6 thereof, whereby the learned P.O. sought time to produce file noting to show which authority has approved the transfer order.

3. Learned P.O. for res. nos. 1 & 2 submits that one week's time may be granted for seeking the necessary information and documents.

4. In view of above, the present matter is now fixed on 12.5.2021. The interim relief granted earlier to continue till then.

5. Steno copy allowed for the use of learned P.O.

MEMBER (J)

ORIGINAL APPLICATION NO. 20/2021
(Ramraje S. Chandane Vs. State of Maharashtra & Ors.)

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

DATE : 3.5.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents has placed on record copy of the order dated 3.5.2021 showing that the suspension order of the applicant is revoked as per the order dated 28.4.2021 and hence the present matter has become infructuous.

3. Learned Advocate for the applicant submits that revocation of suspension is w.e.f. 28.4.2021 and it is not from the date of passing of the impugned suspension order. As the grievance of the applicant is not fully satisfied and therefore the present matter can be proceed further.

4. In view of above submissions of the learned Advocate for the applicant, the present matter is now fixed on 14.6.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 123/2021
(Gaurishankar P. Swami Vs. State of Maharashtra & Ors.)

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

DATE : 3.5.2021

ORAL ORDER :

Heard Shri Mahesh C. Swami, 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 filed rejoinder to the affidavit in reply of res. nos. 1 to 4. It is taken on record and copy thereof has been supplied to the learned P.O. for the respondents.

3. Learned C.P.O. for the respondents submits that considering the length of the rejoinder, he wants time to go through the same and also think whether sur-rejoinder is required to be filed or not.

4. In the above circumstances, S.O. to 10.6.2021 for filing sur-rejoinder, if any, by the respondents.

5. Learned Advocate for the applicant submits that the concerned original record is necessary for adjudication of this matter and it be called for from the respondents. Therefore, the learned P.O. is directed to keep the concerned record ready on the next date for perusal of the Tribunal.

MEMBER (J)