

ORIGINAL APPLICATION NO.550/2019
(Kashinath Ghumare Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

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

2. Respondent Nos.1 to 4 have filed affidavit in reply on 4th September, 2019. Rejoinder has been filed by the applicant on 10th February, 2020. Sur-rejoinder is filed on behalf of respondent nos.2 and 3 on 10-03-2020. Thereafter, the matter was dormant due to Covid-19 pandemic.

3. Both sides agreed that pleadings are complete and the matter be placed for final hearing.

4. S.O. to 08-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.1099/2019
(Ramraje Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri K.G.Salunke, learned Advocate for the applicants and Shri B.S.Deokar, learned Presenting Officer for the respondent.

2. Learned P.O. submits that separate affidavit in reply on behalf of respondent no.1 is not needed.
3. Learned Advocate for the applicant seeks time for filing affidavit in rejoinder. Time is granted.
4. S.O. to 18-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.350/2020
(Ramraje Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

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

2. Matter was dormant after service of notice due to Covid-19 pandemic.
3. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
4. S.O. to 30-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.351/2020
(Ramraje Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri K.G.Salunke, learned Advocate for the applicants and Smt. M.S.Patni, learned Presenting Officer for the respondent.

2. Matter was dormant after service of notice due to Covid-19 pandemic.
3. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
4. S.O. to 30-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.352/2020
(Ramraje Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri K.G.Salunke, learned Advocate for the applicants and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent.

2. Matter was dormant after service of notice due to Covid-19 pandemic.
3. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
4. S.O. to 30-08-2021.

MEMBER (A)

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

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri K.G.Salunke learned Advocate holding for Shri V.B.Wagh, learned Advocate for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondent and Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3.

2. Learned P.O. for respondent no.1 has stated that she is adopting affidavit in reply filed by the respondent no.3.

3. Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3 has clarified that separate affidavit in reply on behalf of respondent no.2 is not required as affidavit in reply of respondent no.3 is already filed.

4. Learned Advocate for the applicant seeks time argue the matter finally and to file affidavit in rejoinder, if necessary.

5. S.O. to 30-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.873/2019
(Nivrutti Lote Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri K.G.Salunke learned Advocate holding for Shri V.B.Wagh, learned Advocate for the applicants and Shri B.S.Deokar, learned Presenting Officer for the respondent.

2. At the request of learned Advocate for the applicant, S.O. to 31-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.721/2019
(Bhagwan Landge Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri S.D.Dhongde, learned Advocate for the applicants and Shri B.S.Deokar, learned Presenting Officer for the respondent.

2. Respondent no.2 has filed affidavit in reply on 12th December, 2019. Learned P.O. has stated that separate reply of respondent no.1 is not needed. Learned Advocate for the applicant has stated that affidavit in rejoinder is not required.

3. S.O. to 24-08-2021 for final hearing.

MEMBER (A)

C.P. 16/2020 IN O.A. 886/2018
(Baliram D. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri Girish N. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue fresh notice to the respondents in the present C.P., returnable on 8.9.2021.

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// **C.P. 16/2020 IN O.A. 886/2018**

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 8.9.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

C.P. 17/2020 IN O.A. 883/2018
(Sawairam D. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri Girish N. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue fresh notice to the respondents in the present C.P., returnable on 8.9.2021.

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// **C.P. 17/2020 IN O.A. 883/2018**

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 8.9.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

C.P. 01/2021 IN O.A. 83/2018

(Vyankat S. More & Ors. Vs. State of Maharashtra & Ors.)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.08.2021

ORAL ORDER :

Heard Shri Kiran Nagarkar, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned P.O. files affidavit in reply on behalf of res. no. 3. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant.

3. Learned P.O. seeks time to file affidavit in reply of rest of the respondents. Time granted.

4. S.O. to 9.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 176/2021
(Ganesh B. Gambhire Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

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

2. Learned P.O. seeks time to file affidavit in reply of the respondents. Time granted.
3. S.O. to 15.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 277/2021
(Shivaji N. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.
3. S.O. to 15.9.2021.
4. The interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 312/2021
(Subodh B. Dhonde Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

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

3. S.O. to 16.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 366/2021
(Narayansingh B. Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

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

2. This O.A. is filed by the applicant seeking declaration that the respondents are now ceased to have any power and authority now to conduct the D.E. initiated against the applicant vide memorandum of charge dated 31.12.2012 (Annex. A-1 collectively) and for setting aside the said memorandum of charge and has also prayed for grant of interim relief that during the pendency of this O.A., the respondents shall not proceed ahead in any manner as regards the said D.E.

3. The applicant retired from the post of Tahsildar while working at Sengaon, Dist. Hingoli on 31.12.2012. On the last day of his tenure a charge sheet was served upon him for the alleged financial irregularities committed by him during the years 2007 to 2009. The applicant submits that he is getting only the provisional pension and after the lapse of about 9 years from the date of his retirement, now

the Government has appointed the Enquiry Officer in the said D.E. case vide order dated 17.3.2021. Pursuant to the said order of the Government the respondent No. 2 – the Divisional Commissioner, Aurangabad - has issued the order dated 20.4.2021 appointing the Regional Departmental Enquiry Officer, Aurangabad as a Enquiry Officer in the D.E. case of the applicant. Learned Advocate for the applicant submits that the applicant has not been communicated anything from the said Enquiry Officer as on today.

4. Learned Advocate for the applicant submits that the Government has appointed the Enquiry Officer after the lapse of 9 years, which contravenes the Guidelines issued by the G.A.D. vide Government circular dated 24.2.1997, which prescribes outer limit of one year for completion of the D.E. initiated against the delinquent on the verge of retirement or thereafter.

5. Learned C.P.O. opposed the submissions raised on behalf of the applicant and stated that he will file affidavit in reply of the respondents at the earliest.

6. In the above facts and circumstances, the present case being of the D.E. against the applicant, we would like to give an opportunity to the respondents to file their

affidavit in reply before we consider the prayer of the applicant for grant of interim relief in his favour.

7. Hence, issue notices to the respondents, returnable on 8.9.2021.

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

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

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

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

12. S.O. to 8.9.2021.

::-4-::

O.A. NO. 366/2021

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

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 04.08.2021

M.A. ST. 684/2021 IN O.A. ST. 590/2021
(Jayant S. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri K.B. Ade, learned Advocate holding for Shri Hemantkumar Pawar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of Shri Ade, learned Advocate holding for Shri Pawar, learned Advocate for the applicant, S.O. to 11.8.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 870/2019
(Dr. Vedrao S. Dakhure Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

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

2. Record shows that the affidavit in reply is filed by the res. nos. 1 to 4. Learned Advocate submits that the rejoinder affidavit of the applicant is not necessary in the present case.

3. The matter is pertaining to D.E. initiated against the applicant after his retirement i.e. on 31.10.2011. Learned Advocate for the applicant submits that the part of the charge leveled against the applicant relates to the period beyond 4 years of his retirement and it is against the provisions of rule 27(2)(b)(2) of the M.C.S.(Pension) Rules, 1982.

4. Considering the nature of the present proceedings, it is hereby admitted and fixed for final hearing.

5. S.O. to 7.9.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 26/2019
(Vinod S. Muley Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

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

2. Learned P.O. submits that she has not yet received any further communication or development in furtherance of the communication dated 6.3.2020 (document 'X'), which is already placed on record on 5.7.2021. She, therefore, seeks time. Time granted.

3. S.O. to 23.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 557/2020
(Savita S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri Sanket Joshi, learned Advocate holding for Shri A.A. More, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 8.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 804/2017
(Prakash D. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

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

2. On the request of learned Advocate for the applicant S.O. to 1.9.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 249/2021

(Dr. Pandit R. Rathod & Ors. Vs. State of Maharashtra & Ors.)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.08.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent nos. 1 to 4 and Shri Rakesh Jain, learned Advocate for respondent no. 6. None appears for respondent nos. 7 & 8.

2. Shri N.U. Yadav, learned Advocate submits that he is on the panel of res. no. 5 – the Zilla Parishad, Aurangabad and he will file his note of appearance / V.P. for res. no. 5 on the next date.

3. Learned P.O. as well as learned Advocate for respondent no. 6 also seek time to file affidavit in reply of the respective respondent. Time granted.

4. S.O. to 14.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 251/2021

(Dr. Swapnil S. Ajabe & Ors. Vs. State of Maharashtra & Ors.)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.08.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent nos. 1 to 3, 5, 7, 8, 9. None appears for respondent nos. 4, 6, 11, 12, 13, 14 and 15.

2. Shri N.U. Yadav, learned Advocate submits that he is on the panel of res. no. 10 – the Zilla Parishad, Aurangabad and he will file his note of appearance / V.P. for res. no. 10 on the next date.

3. Learned P.O. as well as learned Advocate for respondent no. 10 seeks time to file affidavit in reply of the respective respondent. Time granted.

4. S.O. to 14.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.297 OF 2018
(Ajay R. Umale Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Shri Vijay V. Deshmukh, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Heard argument advanced by learned Advocate for the Applicant.

3. S.O. to 10.08.2021. The present case be treated as part heard.

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 : 04.08.2021

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos. 1 to 3. Smt. Nima R. Suryawanshi, learned Advocate for Respondent No.4 (**absent**).

2. S.O. to 11.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

M.A.NO.372/2018 IN O.A.NO.581/2018

(Vaishali R. Barhate Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. S.O. to 12.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

M.A.NO.521/2018 IN O.A.NO.818/2018

(Kishor S. Surdkar Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Shri G.K. Muneshwar, learned Advocate for the Applicant is **absent**.

Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. S.O. to 12.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 04.08.2021

ORAL ORDER :

Shri P.B. Rakhunde, learned Advocate for the Applicant is **absent**.

Heard Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.

3. S.O. to 02.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.369 OF 2020
(Uttam G. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the Applicant and Shri S.K. Shirse learned Presenting Officer for the Respondents.

2. Affidavit-in-rejoinder filed on behalf of the Applicant is taken on record and copy thereof has been supplied to other side.

3. S.O. to 02.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.531 OF 2020
(Manik D. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 04.08.2021

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply of the Respondents to the amended O.A.

3. S.O. to 03.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.206 OF 2021
(Deepak B. Aher & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri S.B. Solanke, learned Advocate for the Applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.

3. S.O. to 06.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.286 OF 2021
(Sayyed Ubed Sayyed Asif and Ors. Vs. State of Maharashtra
& Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri N.K. Tungar, learned Advocate for the Applicants and Smt. Deepali S. Deshmukh, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.

3. S.O. to 06.09.2021.

MEMBER (J)

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

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

DATE : 04.08.2021

ORAL ORDER :

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

2. This Original Application is filed challenging the order/communication dated 28.07.2021 issued by Respondent No.1 excluding the name of the Applicant from the process of counseling and allegedly effecting his transfer to Primary Health Center Bilgaon, Tal. Dhadgaon Dist. Nandurbar and has further prayed for order or direction against the Respondent Nos.1 to 3 to hold the fresh process of counseling by inviting options from the Applicant.

3. The Applicant is working as Medical Officer, Group -B at District Training Team Nandurbar. He came to be posted at present post and station under order dated 4.06.2016. In view of the same, the Applicant was due for transfer in the year 2019. According to the Applicant, he could not be transferred because Respondent No.1 i.e.

//2//

O.A.399/2021

Health Department has restricted the percentage of the transfer to the extent of 15% till the year 2019. In the year 2020, general transfers could not take place due to pandemic situation. In the year 2021, the Applicant completed the tenure of 4 years and 11 months. He was due for transfer at the time of general transfers of the year 2021.

4. The Respondent No.2 prepared the seniority list of the employees and called upon them for remaining present for counseling on 30.07.2021. However, before that 10 options as required under G.R. dated 09.4.2018 (Annex. 'A-2') were not invited. The name of the Applicant was at Sr.No.97 in the seniority list (Annex. 'A-3'). As per letter dated 28.07.2021 received by the Applicant, the Applicant attended the counseling at Mumbai on 30.07.2021. However, he was refused to be counseled by the Respondent authority.

5. Later on, the Applicant learnt that on the basis of recommendations received from Civil Services Board in the past, the government has prepared proposal for transfers of the 194 Medical Officers. In that regard the Applicant came across letter dated 28.07.2021 together with the list i.e. Annex. 'A-1'.

6. Upon enquiry, learned Advocate for the Applicant submits that the said document was displayed on the notice board in the office where he had gone for counseling and thereby he got relevant pages of list and said letter dated 28.07.2021.

7. Learned Advocate for the Applicant invited my attention to Annex. 'A-1' and the list thereof. Perusal of the said document would show that the proposal of request transfer of Medical Officers was considered and the name of the Applicant appears at Sr.No.174. In the remark column the Board said to have accepted the transfer of the Applicant at Primary Health Center Bilgaon, Tal. Dhadgaon Dist. Nandurbar.

8. In view of the same, the Applicant apprehends that upon completion of proposal, he is likely to be transferred at that post. In view of the same, the Applicant has lost his right of counseling. Hence, the Applicant is seeking ad-interim relief in terms of prayer clause 9(A) as follows:-

- 9(a) Pending the hearing and final disposal of this Original Application, the execution, implementation and the operation of the communication dated 28/07/2021 issued by respondent No.1 may kindly be stayed to the extent of applicant and the respondents may further be restrained from effecting transfers in respect of Medical Officers Group-B pursuant to the process of counseling held on 30.07.2021.

(quoted from page nos.11 & 12 of P.B.)

9. Learned P.O. appearing on behalf of the Respondents submits that even if the document at Annex. 'A-1' is considered, it is only the proposal of request transfer being accepted by Civil Services Board and any order of transfer has not been issued either in respect of Applicant or any other Medical Officers. He submits that in view of above, the Original Application is premature and the Applicant is not entitled for grant of any ad-interim relief at this stage.

10. From above, it is apparent that the Applicant is considered for general transfers and even was called for counseling. The Applicant, however, says that he was not counseled.

11. At the same time, it appears that the name of the Applicant is shown in the list under consideration for request transfer at Sr.No.174. However, column No.4 which mentions the request transfer place, the said column is blank. It will show that the case of the Applicant is not falling under the request transfer though whole document refers to request transfer.

12. In view of the same, at this stage prima-facie it is evident that the Applicant has lost his right of counseling for whatever reason. The Respondents could have been informed that Applicant about it before calling for counseling. That has not done by the Respondents.

13 In view of above, in my considered opinion, it is just and proper to restrain the Respondents for further acting upon on the process adopted by the Respondents as contemplated in document Annex. 'A-1', till filing of the reply of the Respondents. It is ordered accordingly.

14. Issue notices to the respondents, returnable on 01.09.2021.

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

16. 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.

17. 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//

O.A.399/2021

18. 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. Applicants are directed to file affidavit of compliance and notice.

19. S.O. to 01.09.2021.

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

MEMBER (J)

**M.A.NO.213 OF 2021 IN O.A.ST.NO.840 OF 2021
(Dr. Ajit R. Kothari & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri N.L. Chaudhari, learned Advocate for the Applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. It is contention of the Applicant that they are similarly situated persons appointed on ad-hoc basis. Thereafter, they have worked on permanent basis since last more than 16 to 18 years. They are claiming increments and earned leave since before they were regularized in service as it was not considered by the Respondents.

3. In view of the above, as the Applicants are similarly situated persons and claiming similar relief from the Respondents, in my opinion to avoid multiplicity of litigation, it would be just and proper to grant permission to the Applicants to sue the Respondents jointly. Hence following order:-

ORDER

- (a) Misc. Application No.213 of 2021 is allowed.
- (b) The Applicants are permitted to sue the Respondents jointly.
- (c) No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION ST.NO.840 OF 2021

(Dr. Ajit R. Kothari & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri N.L. Chaudhari, learned Advocate for the Applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notices to the respondents, returnable on 02.09.2021.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. 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.
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.No.840/2021

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. Applicants are directed to file affidavit of compliance and notice.

13. S.O. to 02.09.2021.

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

MEMBER (J)

**ORIGINAL APPLICATION NO.347 OF 2020
(Jitendra B. Raipure Vs. State of Maharashtra & Ors.)**

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

DATE : 04.08.2021

ORAL ORDER :

Heard Smt. Asha N. Gore, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. S.O. to 25.08.2021 for hearing.

MEMBER (J)

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

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. With consent of both the sides, S.O. to 20.08.2021.

MEMBER (J)

**M.A.NO.71 OF 2021 IN O.A.NO.80 OF 2021
(State of Maharashtra & Ors. Vs. Shri Bhimrao N. Kokate)**

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri V.R. Bhumkar, learned Presenting Officer for the Applicants in the present M.A. (Respondents in O.A.) and Shri S.B. Patil, learned Advocate for the Respondent in present M.A. (Applicant in O.A.).

2. The present case has already been part heard.
3. S.O. to 25.08.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.747 OF 2019
WITH
ORIGINAL APPLICATION NO.948 OF 2019
(Prashant M. Wayukar & Anr. Vs. State of Maharashtra &
Ors.)**

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

DATE : 04.08.2021

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the Applicants in both the O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents in both the O.As.

2. S.O. to 17.08.2021 for final hearing.

MEMBER (J)

DATE : 04.08.2021

M.A. No. 227/2021 in O.A. St. No. 901/2021

(Anil V. Mahajan Vs. The State of Maharashtra & Ors.)

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

1. Shri K.B. Jadhav, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 09.09.2021. The case be listed for admission hearing on 09.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

DATE : 04.08.2021

ORIGINAL APPLICATION NO. 408 OF 2021

(Urmila M. Gaikwad Vs. The State of Maharashtra & Ors.)

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

1. Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 09.09.2021. The case be listed for admission hearing on 09.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

KPB – REGISTRAR NOTICE

DATE : 04.08.2021

ORIGINAL APPLICATION NO. 400 OF 2021

(Shaikh Imroj Shaikh Riyaz Vs. The State of Maharashtra & Ors.)

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

1. Shri N.N. Bhagwat, learned Advocate holding for Shri C.K. Shinde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 25.08.2021. The case be listed for admission hearing on 25.08.2021.
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

KPB – REGISTRAR NOTICE

Date :04.08.2021

ORIGINAL APPLICATION NO.304 OF 2021

(Dr. Sajid Ibrahim Tamboli V/s The State of Maharashtra & Ors.)

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

1. Shri J.S. Deshmukh, 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 06.09.2021. The case be listed for admission hearing on 06.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

