

O.A. Nos. 997, 998, 999,1000, 1001, 1002, 1003, 1004, 1005, 1006, 1097 & 1098 all of 2019
(Dr. Ahmed Munibuddin and Ors. V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
(The present matter is placed before
Single Bench due to non-availability of
Division Bench)

DATE : 08.07.2020.

ORAL ORDER :

Heard Shri Swapnil Deshmukh, learned Advocate holding for Shri M.R. Kulkarni, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondents in all these O.As. Same are taken on record and copies thereof have been served on the other side.

3. The applicants are liberty to file rejoinder affidavit in all these O.As.

4. In view thereof, the present O.As. are removed from the board.

5. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 555 OF 2020
(Shri Dadabhau N. Gawali V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
(The present matter is placed before
Single Bench due to non-availability of
Division Bench)

DATE : 08.07.2020.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time to take instruction from the applicant. Time granted.
3. S.O. to 05.08.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 08.07.2020

M.A. 166/2020 in O.A. St. No. 541/2020
(Shri Umesh L Dargode & Ors. V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
(The present matter is placed before
Single Bench due to non-availability of
Division Bench)

DATE : 08.07.2020.

ORAL ORDER :

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

2. Learned Advocate for the applicants has submitted that the applicants are intending to file separate O.As. and therefore, they intend to withdraw the present M.A. and O.A. Therefore, he seeks leave of this Tribunal to withdraw the M.A. and O.A. with liberty to the applicants to file separate O.As.

3. Learned C.P.O. has prayed to pass necessary order.

4. In view of the submissions advanced by the learned Advocate for the applicant, leave as prayed for is granted. The M.A. and O.A. are disposed of as withdrawn with liberty to the applicants to file separate O.As. There shall be no order as to costs.

VICE CHAIRMAN

M.A. St. No. 548/2020 in O.A. St. No. 549/2020
(Smt. Nishigandha V. Chavan V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
(The present matter is placed before
Single Bench due to non-availability of
Division Bench)

DATE : 08.07.2020.

ORAL ORDER :

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

2. Learned Advocate for the applicant undertakes to remove the office objection in M.A. forthwith.

3. After removal of office objections, issue notices to the respondents in M.A., returnable on 19.08.2020.

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

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

//2//

M.A. St. 548/2020 in
O.A. St. 549/2020

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

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

8. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

9. S.O. to 19.08.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 08.07.2020

ORIGINAL APPLICATION NO. 193 OF 2020
(Shri Rajan K. Naik V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.07.2020.

ORAL ORDER :

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

2. Learned Advocate Shri M.S. Sonawane, appeared on behalf of respondent No. 3 and submits that on the next date he will file **VAKALATNAMA**.

3. Issue notices to the respondents, returnable on 12.08.2020.

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

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

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

//2//

O.A. No. 193/2020

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

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

8. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

9. S.O. to 12.08.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 08.07.2020

ORIGINAL APPLICATION NO. 556 OF 2020
(Shri Sudhakar P. More V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.07.2020.

ORAL ORDER :

Heard Shri Swapnil Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 12.08.2020.

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

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

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

//2//

O.A. St. 556/2020

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

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 12.08.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 08.07.2020

ORIGINAL APPLICATION NO. 192 OF 2020
(Shri Milind A. Bhamre V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.07.2020.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate holding for Shri V.H. Dighe, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant has been transferred on 30.06.2020, though the Government had taken policy decision to ban transfers of the Government servants during the financial year 2020-21 by the G.R. dated 04.05.2020. He has submitted that the impugned order is in violation of the guidelines given in the said G.R., as well as, the provisions of the Maharashtra Police Act. He has submitted that the applicant has been relieved on 03.07.2020, but he has not yet joined his new posting. He has submitted that the son of the applicant is studding in 10th Std. and therefore, he has prayed to stay the operation and execution of the impugned order of transfer dated 30.06.2020

3. Learned C.P.O. has submitted that the applicant has been transferred on the basis of the report given by the concerned authority, as the applicant

committed default. He has submitted that the applicant has been relieved on 03.07.2020 and hence, no question of staying the execution of impugned order arises. Therefore, he has prayed to reject the interim relief as prayed for by the applicant.

4. On perusal of the record, it reveals that the applicant has been transferred by the impugned order dated 30.06.2020 on the basis of default report. The applicant has been relieved on 03.07.2020 in view of the impugned order of transfer dated 30.06.2020. The impugned order has been implemented. Therefore, no question of granting stay to the operation and execution of the impugned order arises. Hence, the interim relief as prayed for by the applicant is hereby rejected.

5. Issue notices to the respondents, returnable on 12.08.2020.

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

7. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

//3//

O.A. No. 192/2020

authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

10. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

11. S.O. to 12.08.2020.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 868/2019

(Dr. Suryakant R. Lonikar Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 8.7.2020

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to produce original record regarding transfer of the applicant. Time granted.

3. S.O. to 22.7.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.7.2020

ORIGINAL APPLICATION NO. 985/2019
(Suresh S. Chate Vs. State of Maharashtra & Ors.)
AND
ORIGINAL APPLICATION NO. 996/2019
(Sainath R. Thombre Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 8.7.2020

ORAL ORDER :

1. O.A. NO. 985/2019

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

2. O.A. NO. 985/2019

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 to 4 and Shri V.B. Wagh, learned Advocate for respondent no. 5.

3. Learned Presenting Officer has filed on record affidavit in reply of Shri Dilip D. Tiparse, Sub Divisional Officer, Division Tuljapur, Dist. Osmanabad on behalf of respondent nos. 2 to 4 in O.A. no. 996/2019 in compliances of the order dated 11.3.2020. It is taken on record and copy thereof has been supplied to other side. He sought time to file affidavit in reply of other respondents as directed by

::-2-::
O.A. NOS. 985 AND 996 BOTH OF 2019

the Tribunal vide orders dated 11.3.2020 and 19.5.2020 in both the cases. Time granted.

4. Learned Advocate for the applicant has filed the affidavit of the applicant countering the submissions made by Shri Dilip D. Tiparse, Sub Divisional Officer, Division Tuljapur, Dist. Osmanabad in his affidavit filed on behalf of respondent nos. 2 to 4 in O.A. no. 996/2019. It is taken on record and copy thereof has been supplied to other side.

5. In the circumstances, S.O. to 29.7.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.7.2020

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

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 8.7.2020

ORAL ORDER :

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

2. Learned Presenting Officer has filed on record the affidavit in reply of respondent no. 2. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant.

3. In the circumstances, S.O. to 5.8.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.7.2020

ORIGINAL APPLICATION NO. 30/2020

(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 8.7.2020

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply of the respondents. Time granted.

3. S.O. to 5.8.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.7.2020

ORIGINAL APPLICATION NO. 730/2019

(Ejaz Salim Shaikh Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 8.7.2020

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to produce original record regarding transfer of the applicant. Time granted as a last chance.
3. As per the order of the Tribunal dated 12.3.2020 O.A. no. 733/2019 be tagged with this O.A.
4. In the circumstances, S.O. to 29.7.2020.

VICE CHAIRMAN

M.A. ST. 544/2020 IN O.A. ST. 235/2020
(Suhas s/o N. Suryawanshi Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 8.7.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks leave of the Tribunal to amend the M.A. suitably.

3. Learned C.P.O. has no objection to carry out the amendment in the M.A.

4. Learned Advocate for the applicant has submitted that the applicant intends to insert prayer clause A-1 in the O.A. The learned C.P.O. has no objection for that amendment.

5. In view of the submissions made by the learned Advocate for the applicant and the learned Chief Presenting Officer for the respondents the M.A. is allowed as the proposed amendment is of formal nature. The applicant shall carry out the amendment forthwith.

::-2-::

M.A. ST. 544/2020 IN O.A. ST. 235/2020

6. In the circumstances, the present M.A. is disposed of. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.7.2020

ORIGINAL APPLICATION ST. NO. 235/2020

(Suhas s/o N. Suryawanshi Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 8.7.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh along with Shri Shamsundar B. Patil, 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 applicant is restricting his claim for amended prayer clause (A-1) only and he does not want to claim other reliefs sought in the O.A. He has submitted that by the amended prayer clause A-1 the applicant is claiming the limited relief to decide his representation dated 5.6.2020 within the stipulated period. He further submits that by issuing directions to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 within stipulated time the present O.A. may be disposed of.

3. Learned Chief Presenting Officer submits that reasonable time may be given to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 and the O.A. may be disposed of accordingly.

::-2-::

O.A. ST. NO. 235/2020

4. Applicant has come with limited relief to direct the respondent no. 3 to decide his representation dated 5.6.2020 within the limited time. Therefore, it is just to dispose of the O.A. with a direction to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 within the period of 2 months from today and communicate the decision to the applicant in writing.

5. In view of the above, the O.A. is disposed of with a direction to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 within a period of 2 months from today and communicate the decision to the applicant in writing. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.7.2020

M.A. ST. 545/2020 IN O.A. ST. 237/2020
(Amir Mohammad Shaikh Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 8.7.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh along with Shri Shamsundar B. Patil, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks leave of the Tribunal to amend the M.A. suitably.

3. Learned P.O. has no objection to carry out the amendment in the M.A.

4. Learned Advocate for the applicant has submitted that the applicant intends to insert prayer clause A-1 in the O.A. The learned P.O. has no objection for that amendment.

5. In view of the submissions made by the learned Advocate for the applicant and the learned Presenting Officer for the respondents the M.A. is allowed as the proposed amendment is of formal nature. The applicant shall carry out the amendment forthwith.

::-2-::

M.A. ST. 545/2020 IN O.A. ST. 237/2020

6. In the circumstances, the present M.A. is disposed of. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.7.2020

ORIGINAL APPLICATION ST. NO. 237/2020

(Amir Mohammad Shaikh Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 8.7.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh along with Shri Shamsundar B. Patil, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant is restricting his claim for amended prayer clause (A-1) only and he does not want to claim other reliefs sought in the O.A. He has submitted that by the amended prayer clause A-1 the applicant is claiming the limited relief to decide his representation dated 5.6.2020 within the stipulated period. He further submits that by issuing directions to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 within stipulated time the present O.A. may be disposed of.

3. Learned Presenting Officer submits that reasonable time may be given to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 and the O.A. may be disposed of accordingly.

4. Applicant has come with limited relief to direct the respondent no. 3 to decide his representation dated 5.6.2020 within the limited time. Therefore, it is just to dispose of the O.A. with a direction to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 within the period of 2 months from today and communicate the decision to the applicant in writing.

5. In view of the above, the O.A. is disposed of with a direction to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 within a period of 2 months from today and communicate the decision to the applicant in writing. There shall be no order as to costs.

VICE CHAIRMAN

M.A. ST. 546/2020 IN O.A. ST. 236/2020
(Shriram S. Dhole Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 8.7.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh along with Shri Shamsundar B. Patil, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks leave of the Tribunal to amend the M.A. suitably.

3. Learned P.O. has no objection to carry out the amendment in the M.A.

4. Learned Advocate for the applicant has submitted that the applicant intends to insert prayer clause A-1 in the O.A. The learned P.O. has no objection for that amendment.

5. In view of the submissions made by the learned Advocate for the applicant and the learned Presenting Officer for the respondents the M.A. is allowed as the proposed amendment is of formal nature. The applicant shall carry out the amendment forthwith.

::-2-::

M.A. ST. 546/2020 IN O.A. ST. 236/2020

6. In the circumstances, the present M.A. is disposed of. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.7.2020

ORIGINAL APPLICATION ST. NO. 236/2020
(Shriram S. Dhole Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN
DATE : 8.7.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh along with Shri Shamsundar B. Patil, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant is restricting his claim for amended prayer clause (A-1) only and he does not want to claim other reliefs sought in the O.A. He has submitted that by the amended prayer clause A-1 the applicant is claiming the limited relief to decide his representation dated 5.6.2020 within the stipulated period. He further submits that by issuing directions to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 within stipulated time the present O.A. may be disposed of.

3. Learned Presenting Officer submits that reasonable time may be given to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 and the O.A. may be disposed of accordingly.

::-2-::

O.A. ST. NO. 236/2020

4. Applicant has come with limited relief to direct the respondent no. 3 to decide his representation dated 5.6.2020 within the limited time. Therefore, it is just to dispose of the O.A. with a direction to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 within the period of 2 months from today and communicate the decision to the applicant in writing.

5. In view of the above, the O.A. is disposed of with a direction to the respondent no. 3 to decide the representation of the applicant dated 5.6.2020 within a period of 2 months from today and communicate the decision to the applicant in writing. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.7.2020