

ORIGINAL APPLICATION NO. 960 OF 2019
(Govind N. Londhe Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021.

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate holding for Shri V.S. Panpatte, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 21.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 961 OF 2019
(Sham S. Thorat Vs. State of Maharashtra & Ors.)**

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

DATE : 17.08.2021.

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate holding for Shri V.S. Panpatte, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 21.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 962 OF 2019
(Devidas M. Chandane Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021.

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate holding for Shri V.S. Panpatte, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 21.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 963 OF 2019
(Amol S. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021.

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate holding for Shri V.S. Panpatte, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 21.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 964 OF 2019
(Vishal N. Jogdand Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021.

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate holding for Shri V.S. Panpatte, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 21.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1090 OF 2019
(Suresh B. Sonwane Vs. State of Maharashtra & Ors.)**

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

DATE : 17.08.2021.

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply.
3. S.O. to 21.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 155 OF 2020
(Vishal N. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 17.08.2021.

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 21.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 52 OF 2020
(Pramod P. Lokhande Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021.

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 21.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 53 OF 2020
(Kailas K. Sasane Vs. State of Maharashtra & Ors.)**

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

DATE : 17.08.2021.

ORAL ORDER :

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

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

3. At the request of learned Advocate for the applicant, S.O. to 21.09.2021 for filing rejoinder affidavit, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 525 OF 2020
(Anita R. Pagare Vs. State of Maharashtra & Ors.)**

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

DATE : 17.08.2021.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 21.09.2021 for filing rejoinder affidavit, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 453 OF 2020
(Bhatu R. Mahale Vs. State of Maharashtra & Ors.)**

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

DATE : 17.08.2021.

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri Vinod Patil, 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.

3. S.O. to 21.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 328 OF 2021
(Vijaykumar G. Birajdar Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021.

ORAL ORDER :

Shri Udyia Hude, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Await service of notices on the respondents.
3. S.O. to 22.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 285 OF 2021
(Hemant S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 17.08.2021.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 24.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 203 OF 2021
(Satish G. Dighe Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021.

ORAL ORDER :

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

2. On instructions, learned Advocate for the applicant submits that the applicant wants to withdraw the present Original Application, as his grievance has been redressed. Therefore, she seeks leave of this Tribunal to withdraw the present Original Application.

3. In view of this, I have no difficulty in granting permission to the applicant to withdraw the present Original Application. Hence, the O.A. stands disposed of as withdrawn, as the grievance of the applicant has been redressed. There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 446 OF 2021
(Dr. Kamlakar S. Mane Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021

ORAL ORDER :

Heard Smt. A.N. Ansari, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The applicant is working on the present post of Live Stock Development Officer since 31.03.2018. His date of birth is 02.06.1964. He is due for retirement on 30.06.2022 on superannuation. The applicant is patient of Lumber Spondylatic. The applicant however, has been transferred by the impugned order dated 09.08.2021 (Annexure A-3) from Ambulga (Bu), Tq. Nilanga, Dist. Latur to Devni, Tq. Devni, Dist. Latur on the vacant post. The said impugned order of transfer said to have been passed in view of Section 4(1), 4(2) & 4 (3) of the Transfer Act, 2005.

3. It is grievance of the applicant that the impugned order of transfer is issued in contravention of the provisions of Section 5 (1) of the Transfer Act, 2005, which provides that the tenure of posting of Government servant or employee laid down in

Section 3 may be extended in exceptional cases, such as may be posting of post has less than one year for retirement. The respondents have issued certificate dated 12.08.2021 (Annexure A-1), which says that the date of retirement on superannuation of the applicant is 30.06.2022. In view of the same, the impugned order is in contravention of the provisions of Section 5(1) of the Transfer Act, 2005. Hence, in my opinion, the impugned order of transfer is liable to be stayed till filing of the affidavit in reply by the respondents. Accordingly, interim stay is granted.

4. Issue notice to the respondents, returnable on 22.09.2021.

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

6. 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.

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7. 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.

8. 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.

9. S.O. to 22.09.2021.

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

11. The present matter be placed on separate board.

MEMBER (J)

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

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

DATE : 17.08.2021

ORAL ORDER :

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

2. The present Original Application is filed seeking to quash and set aside the applicant's impugned transfer order dated 06.08.2021 (Annexure A-1) issued by the respondent No. 3.

3. The applicant is working on the post of Medical Officer, Group-B. Lastly under order dated 12.04.2018 he was transferred to the said post and station at Aurved Hospital, Yerole, Dist. Latur. By the impugned order dated 06.08.2021 (Annexure A-1), the applicant has been transferred to Sub-District Hospital, Kej, Tq. Kej, Dist. Beed. It is the grievance of the applicant that before issuance of impugned transfer order, though he was due for transfer in the General Transfers of the year 2021, his name did not appear in the seniority list published for that purpose by the respondent No. 2 as per communication and list dated 26.07.2021. Some of

the aggrieved persons of similarly situated position as that of the applicant made representation dated 29.07.2021 (Annexure A-3, page No. 48 of paper book) to the respondent No. 2 pointing out certain deficiencies in the said seniority list including that some of the persons who have completed more tenure than them, have not been included in the seniority list.

4. According to the applicant, though in the impugned order it is mentioned that the impugned transfer order is passed on administrative ground by counseling the applicant, the applicant's name never appeared in the State level seniority list for that purpose and he was not called for counseling. Hence, the impugned order of transfer is directly in contraventions of the requisite G.R. dated 09.04.2018 (Annexure A-2).

5. Learned Advocate for the applicant further submits that though in the impugned order it is mentioned that the applicant has been relieved from his present post w.e.f. 06.08.2021, same is not effective in as much as the impugned transfer order is issued without mandatory counseling. In view of the same, learned Advocate for the applicant submits that

the impugned order of transfer is liable to be stayed during pendency of the O.A.

6. Learned Presenting Officer on the other hand submits that the applicant has already been relieved from his present post. The impugned order of transfer is legal and proper and is not issued in contravention of any provision of the Transfer Act, 2005, as alleged by the applicant and he would file affidavit in reply within two weeks.

7. On the basis of documents relied upon and submissions made on behalf of the applicant, if the impugned transfer order is examined, it is seen that though it is mentioned in the impugned order that impugned transfer order is passed after counseling the applicant, the said procedure is undertaken by the respondents, as the name of the applicant does not appear in the seniority list and there is nothing on record that mandatory counseling of the applicant was done before issuing impugned order. However, the applicant is relieved from the said post on 06.08.2021. In such circumstances, prima-facie it appears that the procedure as contemplated in the G.R. dated 09.04.2018 is not followed and the applicant has been

relieved from the said post creating situation whether the applicant is constrained to join transferred place under protest. In view of these observations, in my opinion, at this stage, no stay to the execution of impugned transfer can be granted. The respondents to take note of the above said observations.

8. Learned Advocate for the applicant at this stage, submits that the post on which the applicant was working may be kept vacant in order to protect the interest of the applicant.

9. Learned Presenting Officer object to it.

10. From the documents on record it is not possible to irresistibly infer the present position of the vacant posts in the State. In view of the same, passing such an order would create some administrative hurdle. Upon hearing of the parties at later stage the Tribunal is competent to pass appropriate order.

11. Issue notice to the respondents, returnable on 03.09.2021.

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

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13. 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.

14. 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.

15. 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.

16. S.O. to 03.09.2021.

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

18. The present matter be placed on separate board.

MEMBER (J)

ORIGINAL APPLICATION NO. 1027 OF 2019
(Arjun D. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021.

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1, 2 & 5.

2. Record shows that affidavit in reply on behalf of respondent Nos. 1, 3 & 4 is filed on record.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 2. Time granted.

4. Learned Presenting Officer further points out that the communication on record was received to the office of C.P.O. from the respondent No. 5 on 23.01.2020. It is marked as document 'X' for the purpose of identification. It is mentioned in the said communication that the applicant is retired from the office of Executive Engineer, Medium Project Division, Dhule i.e. the respondent No. 3. In view of the same, the office of Accountant General, Mumbai is the proper

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authority and not the respondent No. 5 i.e. the A.G. Nagpur.

5. In view of the above, the applicant is allowed to correct the name of respondent No. 5. The applicant shall amend the O.A. within a period of one week.

6. After amendment, issue notice to the respondent No. 5, returnable on 16.09.2021.

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

8. 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.

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

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10. 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.

11. S.O. to 16.09.2021.

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

13. The present matter be placed on separate board.

MEMBER (J)

ORIGINAL APPLICATION NO. 452 OF 2021
(Datta Narhari Bharaskar Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021

ORAL ORDER :

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

2. The Original Application is filed challenging the impugned order of transfer of the applicant dated 06.08.2021 (Annexure A-5), thereby he has been transferred from the post of Assistant District Supply Officer, Collector Office, Aurangabad to the post of Tahsildar, Vadavani, Dist. Beed on the vacant post.

3. Admittedly, the applicant was posted on the post of Assistant District Supply Officer, Collector Office, Aurangabad, as per previous transfer order dated 23.08.2018 (Annexure A-1). Since then, the applicant was working on the said post and the applicant therefore, can be said to be due for transfer.

4. Learned Advocate for the applicant strenuously urged before me that though the applicant falls under due cadre, the impugned order dated 06.08.2021

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(Annexure A-5) referring to Section 4(4) of the Transfer Act, 2005 is totally unwarranted. Moreover, he pointed out that the requisite G.Rs. were issued by the respondent No. 1 from time to time in the year 2021 viz. G.R. dated 10.05.2021 (Annexure A-2), G.R. dated 09.07.2021 (Annexure A-3) and G.R. dated 29.07.2021 (Annexure A-4). Thereby he submits that initially by the G.R. dated 10.05.2021, General Transfers in this year of 2021-22 up to 30.06.2021 were banned. Thereafter, by G.R. dated 09.07.2021, the transfers up to 15% of total strength of Government employees was made permissible till 14.08.2021. Thereafter, by G.R. dated 29.07.2021, transfers up to 14.08.2021 was made permissible to the extent of 25% for General Transfer and 10% for transfers in exceptional reasons. He submits that all the G.Rs. are contrary to the provisions of Section 4(4) and cannot override basic provisions of Section 4 of the Transfer Act, 2005. Learned Advocate for the applicant further submits that though the impugned order states that the applicant has been relieved ex-parte, however procedure of handing over and taking over the charge of the post is not undertaken and as such, as on today, the post held by the applicant said to be vacant.

5. Learned Presenting Officer on the other hand opposes the submissions made on behalf of the applicant and submits that the impugned transfer order is legal and proper and cannot be said to be illegal. There is no contravention of any provisions of the Transfer Act, 2005 and as such, he seeks time for filing affidavit in reply.

6. After having considered facts of this case, as disclosed in the O.A., as well as, supporting documents, prima-facie, it seems that the applicant has been relieved from his post of Assistant District Supply Officer, Aurangabad in order to enable him to join at transferred place. Perusal of the said impugned transfer order would show that there is mention of provisions of Section 4(4) of the Transfer Act, 2005. It is interesting to note that all the G.Rs. dated 10.05.2021, 09.07.2021 & 29.07.2021 are recorded in this G.R. of transfer. There is also mention of one Notification dated 14.07.2021. Prima-facie, it appears that the transfer order is issued as General Transfer order but again there is mention to Section 4 (4) of the Transfer Act, 2005 and approval of the immediate superior authority and reason of public interest. There

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is no observation that whether the respondents are invoking the power under Section 4(4)(i) and 4(4)(ii) of the Transfer Act, 2005 specifically. But the net result of the transfer order is the applicant is constrained to join his transferred place under protest. In such circumstances, if interim order of stay is issued greater chaos is likely to be arisen which one has to avoid. For this reason only I am not inclined to grant interim relief at this stage.

7. Issue notice to the respondents, returnable on 20.09.2021.

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.

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O.A. No. 452/2021

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 20.09.2021.

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

14. The present matter be placed on separate board.

MEMBER (J)

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

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

DATE : 17.08.2021

ORAL ORDER :

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

2. The present Original Application is filed seeking to quash and set aside the applicant's impugned transfer order dated 06.08.2021 (Annexure A-1) issued by the respondent No. 3.

3. The applicant is working on the post of Medical Officer, Group-B. Lastly under order dated 28.08.2014 he was transferred to the said post and station at Primary Health Centre, Gangapur, Dist. Latur. By the impugned order dated 06.08.2021 (Annexure A-1), the applicant has been transferred to Zilla Parishad, Osmanabad. It is the grievance of the applicant that before issuance of impugned transfer order, though he was due for transfer in the General Transfers of the year 2021, his name did not appear in the seniority list published for that purpose by the respondent No. 2 as per communication and list dated 26.07.2021. Some of

the aggrieved persons of similarly situated position as that of the applicant made representation dated 29.07.2021 (Annexure A-3, page No. 48 of paper book) to the respondent No. 2 pointing out certain deficiencies in the said seniority list including that some of the persons who have completed more tenure than them, have not been included in the seniority list.

4. According to the applicant, though in the impugned order it is mentioned that the impugned transfer order is passed on administrative ground by counseling the applicant, the applicant's name never appeared in the State level seniority list for that purpose and he was not called for counseling. Hence, the impugned order of transfer is directly in contraventions of the requisite G.R. dated 09.04.2018 (Annexure A-2).

5. Learned Advocate for the applicant further submits that though in the impugned order it is mentioned that the applicant has been relieved from his present post w.e.f. 06.08.2021, same is not effective in as much as the impugned transfer order is issued without mandatory counseling. In view of the same, learned Advocate for the applicant submits that

the impugned order of transfer is liable to be stayed during pendency of the O.A.

6. Learned Presenting Officer on the other hand submits that the applicant has already been relieved from his present post. The impugned order of transfer is legal and proper and is not issued in contravention of any provision of the Transfer Act, 2005, as alleged by the applicant and he would file affidavit in reply within two weeks.

7. On the basis of documents relied upon and submissions made on behalf of the applicant, if the impugned transfer order is examined, it is seen that though it is mentioned in the impugned order that impugned transfer order is passed after counseling the applicant, the said procedure is undertaken by the respondents, as the name of the applicant does not appear in the seniority list and there is nothing on record that mandatory counseling of the applicant was done before issuing impugned order. However, the applicant is relieved from the said post on 06.08.2021. In such circumstances, prima-facie it appears that the procedure as contemplated in the G.R. dated 09.04.2018 is not followed and the applicant has been

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relieved from the said post creating situation whether the applicant is constrained to join transferred place under protest. In view of these observations, in my opinion, at this stage, no stay to the execution of impugned transfer can be granted. The respondents to take note of the above said observations.

8. Learned Advocate for the applicant at this stage, submits that the post on which the applicant was working may be kept vacant in order to protect the interest of the applicant.

9. Learned Presenting Officer object to it.

10. From the documents on record it is not possible to irresistibly infer the present position of the vacant posts in the State. In view of the same, passing such an order would create some administrative hurdle. Upon hearing of the parties at later stage the Tribunal is competent to pass appropriate order.

11. Issue notice to the respondents, returnable on 03.09.2021.

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

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13. 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.

14. 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.

15. 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.

16. S.O. to 03.09.2021.

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

18. The present matter be placed on separate board.

MEMBER (J)

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

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

DATE : 17.08.2021

ORAL ORDER :

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

2. The present Original Application is filed seeking to quash and set aside the applicant's impugned transfer order dated 06.08.2021 (Annexure A-1) issued by the respondent No. 3.

3. The applicant is working on the post of Medical Officer, Group-B. Lastly under order dated 12.04.2018 he was transferred to the said post and station at Aurved Dispensary, Sindhgaon, Dist. Latur. By the impugned order dated 06.08.2021 (Annexure A-1), the applicant has been transferred to Women's Hospital, Ambajogai, Dist. Beed. It is the grievance of the applicant that before issuance of impugned transfer order, though he was due for transfer in the General Transfers of the year 2021, his name did not appear in the seniority list published for that purpose by the respondent No. 2 as per communication and list dated 26.07.2021. Some of the aggrieved persons of similarly

situated position as that of the applicant made representation dated 29.07.2021 (Annexure A-3, page No. 48 of paper book) to the respondent No. 2 pointing out certain deficiencies in the said seniority list including that some of the persons who have completed more tenure than them, have not been included in the seniority list.

4. According to the applicant, though in the impugned order it is mentioned that the impugned transfer order is passed on administrative ground by counseling the applicant, the applicant's name never appeared in the State level seniority list for that purpose and he was not called for counseling. Hence, the impugned order of transfer is directly in contraventions of the requisite G.R. dated 09.04.2018 (Annexure A-2).

5. Learned Advocate for the applicant further submits that though in the impugned order it is mentioned that the applicant has been relieved from his present post w.e.f. 06.08.2021, same is not effective in as much as the impugned transfer order is issued without mandatory counseling. In view of the same, learned Advocate for the applicant submits that

the impugned order of transfer is liable to be stayed during pendency of the O.A.

6. Learned Presenting Officer on the other hand submits that the applicant has already been relieved from his present post. The impugned order of transfer is legal and proper and is not issued in contravention of any provision of the Transfer Act, 2005, as alleged by the applicant and he would file affidavit in reply within two weeks.

7. On the basis of documents relied upon and submissions made on behalf of the applicant, if the impugned transfer order is examined, it is seen that though it is mentioned in the impugned order that impugned transfer order is passed after counseling the applicant, the said procedure is undertaken by the respondents, as the name of the applicant does not appear in the seniority list and there is nothing on record that mandatory counseling of the applicant was done before issuing impugned order. However, the applicant is relieved from the said post on 06.08.2021. In such circumstances, prima-facie it appears that the procedure as contemplated in the G.R. dated 09.04.2018 is not followed and the applicant has been

relieved from the said post creating situation whether the applicant is constrained to join transferred place under protest. In view of these observations, in my opinion, at this stage, no stay to the execution of impugned transfer can be granted. The respondents to take note of the above said observations.

8. Learned Advocate for the applicant at this stage, submits that the post on which the applicant was working may be kept vacant in order to protect the interest of the applicant.

9. Learned Presenting Officer object to it.

10. From the documents on record it is not possible to irresistibly infer the present position of the vacant posts in the State. In view of the same, passing such an order would create some administrative hurdle. Upon hearing of the parties at later stage the Tribunal is competent to pass appropriate order.

11. Issue notice to the respondents, returnable on 03.09.2021.

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

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O.A. No. 451/2021

13. 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.

14. 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.

15. 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.

16. S.O. to 03.09.2021.

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

18. The present matter be placed on separate board.

MEMBER (J)

M.A.NO.178/2021 IN O.A.ST.NO.717/2021
(Sumit Dongre & Ors. Vs. State of Maharashtra & Ors.)

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

(This case is placed before the Single Bench due to non-availability of the Division Bench)

DATE : 17.08.2021

ORAL ORDER :

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

2. By order dated 03-08-2021 the learned CPO had requested for some time for filing written praecipe in respect of requisite qualification of B.Com. Statistics. Pursuant to that learned P.O. placed on record communication dated 13-08-2021 received from respondent no.3 and copy of degree certificate of one Shri Shere Dattatray Bibhishan. It is taken on record. Said document shows that the student has passed course of study in Advanced Statistics and passed B.Com. Examination.

3. In view of this, learned Advocate for the applicant seeks time to respond to the said documents.

4. Learned P.O. has not yet filed affidavit in reply. Learned P.O. as well as the learned Advocate for the applicant seek time. Time is granted.

5. S.O. to 14-09-2021.

MEMBER (J)

**M.A.NO.242/2021 WITH M.A.NO.183/2021 IN
O.A.NO.299/2019
(Rahul Pol & Ors. Vs. State of Maharashtra & Ors.)**

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

(This case is placed before the Single Bench due to non-availability of the Division Bench)

DATE : 17.08.2021

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. The O.A. is filed by 3 applicants for the relief of quashing and setting aside notification dated 31-10-2018 (Annexure A-4) issued by respondent no.1 and other ancillary reliefs. Pleadings upto rejoinder are complete in the O.A.

3. During the pendency of the O.A., applicants filed M.A.No.242/2021 seeking interim relief. Said M.A. is pending for filing reply of the respondents. Learned P.O. has placed on record communication dated 13-08-2021 received from respondent no.3 i.e. Joint Director, Health Services, (Non-Infectious Diseases), National Blindness Eradication Program, Mumbai. It is marked as document "X" for identification.

4. Record further shows that M.A.No.183/2021 is filed by one smt. Payal Pandurang Tathe seeking permission to be added as co-applicant no.4 in the O.A. Learned

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M.A.NO.242/2021 WITH M.A.NO.183/2021 IN O.A.NO.299/2019

Advocate for the said applicant submits that said applicant Smt. Payal Pandurang Tathe seeks to withdraw her said application being M.A.No.183/2021 with liberty to file fresh O.A. on the same cause of action.

5. In view of the same, said M.A.No.183/2021 stands disposed of as withdrawn with liberty to the applicant to file fresh O.A. on the same cause of action. No costs.

6. S.O. to 03-09-2021 in M.A.No.242/2021 in O.A.No.299/2019.

MEMBER (J)

M.A.NO.252/2021 IN O.A.NO.103/2020
(Vishwanath Nampalle Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
(This case is placed before the Single Bench due to non-availability of the Division Bench)

DATE : 17.08.2021

ORAL ORDER :

Heard Shri Vikram Patil learned Advocate holding for Shri O.A.Kashid, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

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

MEMBER (J)

ORIGINAL APPLICATION NO.586 OF 2020
(Sonali K. Barhate Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the Applicant, Shri D.R. Patil, learned Advocate for the Respondent No.1 and Shri N.U. Yadav, learned Advocate for the Respondent Nos.2 & 3.

2. At the request of the learned P.O. for the Respondent No.1 and learned Advocate for the Respondent Nos.2 & 3, time is granted for filing affidavit-in-reply.

3. S.O. to 22.09.2021.

MEMBER (J)

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

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

DATE : 17.08.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Record shows that affidavit-in-reply is filed on behalf of both the Respondents.
3. Learned Advocate for the Applicants submits that the Applicant does not wish to file affidavit-in-rejoinder.
4. S.O. to 21.09.2021.

MEMBER (J)

M.A.NO.273/2019 IN O.A.ST.NO.891/2019
(Shaikh Abdul Gafur Md. Sarwar Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. By consent of both the parties, S.O. to 22.09.2021 for hearing.

MEMBER (J)

M.A.NO.18/2020 IN O.A.NO.81/2018
(Sayyed Wali Abdul Khadar Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021

ORAL ORDER :

Heard Shri D.A. Bide, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents seeks time for filing affidavit-in-reply in the Misc. Application. Time granted.
3. S.O. to 16.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.748 OF 2017
(Parasaram N. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondent Nos.1, 2, 4, 5 & 6.

2. Shri Vijaykumar Ramchandra Ingale, Dy. Engineer, Zilla Parishad, Minor Irrigation Sub-Division, Harsul, Tal. Tryambakeshwar, Dist. Nashik is present on behalf of Respondent No.3 and filed affidavit-in-reply to the amended O.A. The same is taken on record and copy thereof has been supplied to the other side.

3. Learned P.O. seeks time for filing reply to the amended O.A. on behalf of other Respondents. Time is granted.

4. S.O. to 15.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.427 OF 2019
(Ranjeet S. Savale (Dhangar) Vs. State of Maharashtra &
Ors.)**

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

DATE : 17.08.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 20.09.201 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.619 OF 2019
(Arjun R. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. Due to paucity of time, S.O. to 09.09.2021 for hearing.

MEMBER (J)

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

WITH
ORIGINAL APPLICATION NO.948 OF 2019
(Manohar K. Mulmule & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the Applicants in both the O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents in both the O.As.

2. Due to paucity of time, S.O. to 06.09.2021 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO.844 OF 2019
(Raviraj R. Darak Vs. State of Maharashtra & Ors.)**

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

DATE : 17.08.2021

ORAL ORDER :

Heard Shri Vivek Bhavthankar, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Due to paucity of time, S.O. to 16.09.2021 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO.439 OF 2021
(Shaikh hafijoddin Hanifoddin Shaikh Vs. State of
Maharashtra & Ors.)**

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

DATE : 17.08.2021

ORAL ORDER :

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

2. The Original Application is filed challenging the impugned order of transfer of the Applicant dated 05.08.2021 (Annex. 'A-1') issued by the Respondent No.2, whereby the Applicant has been transferred from the post of Head Clerk, Government Institute of Science, Aurangabad to Government Arts and Science College, Aurangabad.

3. It is the contention of the Applicant that by order dated 10.06.2021 (Annex. 'A-5'), the Applicant was promoted from the post of Head Clerk to Superintendent in group -C category. By that order, he was transferred from Aurangabad to Buldhana.

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O.A.No.439/2021

4. At that time, Shri Ashok L. Kulkarni and Shri Gopinath M. Ghode who are at Sr.No.4 & 11 were also promoted but they were given posting in Government Arts and Science College, Aurangabad only. The Applicant is at Sr.No.3 in the said list. The Applicant has filed Original Application St.No.777/2021 (Annex. 'A-8') challenging the said order of promotion dated 10.06.2021 to the extent of posting given to the Applicant and challenging the posting of Shri A.L. Kulkarni and Shri G.M. Ghode who are joined as party Respondent Nos.3 & 4 in the said O.A.St.No.777/2021.

5. It is the further contention of the Applicant that by present impugned transfer order, the Applicant is required to work under the said Respondent Nos.3 & 4 namely Shri A.L. Kulkarni and Shri G.M. Ghode who are working on promotional post of Superintendent in the said college. The impugned transfer order of the Applicant is issued only on administrative ground. It is not legal and proper. Hence, the Applicant prays for grant of stay to the said impugned transfer order during pendency of the Original Application.

6. Learned P.O. on the other hand submits that the impugned transfer order of the Applicant is passed by placing the proposal before the Civil Services Board and with the approval of the higher authority and it is passed

specifically under Sections 4(1), 4(2) and 4(3) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 and cannot be faulted with. The Applicant has been transferred at Aurangabad only and as such it cannot be said that it has caused any inconvenience to the applicant and the said impugned transfer order is legal and proper and the Applicant is not entitled for grant of any interim relief as prayed for.

7. After having perused the Original Application and documents placed on record by Applicant and on perusal of submissions advanced by both the parties, it is seen that by impugned transfer order, the Applicant has been accommodated in Aurangabad only. By the said impugned order, only the head quarter of the Applicant is changed. However, the grievance of the Applicant is that he is required to work under Superintendents, who were earlier junior to him on the post of Head Clerk. Impugned transfer order of the Applicant is passed under Section 4(1), 4(2) and 4(3) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. It is pertinent to note that the Respondents have taken recourse of placing the proposal of the transfer of the Applicant before the Civil Services Board and said transfer was considered in the meeting of Civil Services Board on 27.07.2021.

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O.A.No.439/2021

8. In view of same, at this stage, no any illegality or contravention of provisions of law can be seen. Hence, I am not inclined to grant any interim relief at this stage.

9. Issue notices to the Respondents, returnable on 20.09.2021.

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

11. 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.

12. 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.

13. 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.

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O.A.No.439/2021

14. S.O. to 20.09.2021.
15. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

SAS ORAL ORDERS 17.08.2021

**ORIGINAL APPLICATION ST.NO.621 OF 2021
(Bhimrao S. Bilapatte Vs. State of Maharashtra & Ors.)**

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

DATE : 17.08.2021

ORAL ORDER :

Heard Shri Mahesh L. Muthal, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 06.09.2021 for removing office objection.

MEMBER (J)

ORIGINAL APPLICATION NO.583 OF 2019
(Bhaskar D. Baviskar Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. By consent of both the parties, S.O. to 09.09.2021 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO.620 OF 2019
(Rajendra S. Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 17.08.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. By consent of both the parties, S.O. to 09.09.2021 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.602 OF 2019
(Bhaskar D. Baviskar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.08.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the Applicants and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. By consent of both the parties, S.O. to 09.09.2021 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.426 OF 2021
(Dr. Abhishek Ananda Pendharkar Vs. State of Maharashtra
& Ors.)

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

DATE : 17.08.2021

ORAL ORDER :

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

2. Learned P.O. produces on record the copy of communication dated 13.08.2021 along with annexure. The same is taken on record and marked as document 'X' for the purpose of identification.

3. S.O. to 24.08.2021. Interim relief granted earlier to continue till next date.

MEMBER (J)

T.A.NO. 1/2018 (W.P.NO. 15249/2017)
(Chanda R. Hingole Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
(The present case has been placed before
the Single Bench due to non-availability of
Division Bench).

DATE : 17.8.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O.
to 23.09.2021 for filing affidavit-in-sur-rejoinder, if
any.

MEMBER (J)

ORAL ORDERS 17.8.2021-HDD

C.P.NO. 41/2019 IN O.A.NO. 25/2018
(Sachin Ramesh Salve Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
(The present case has been placed before
the Single Bench due to non-availability of
Division Bench).

DATE : 17.8.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the
applicant, S.O. to 23.09.2021 for filing rejoinder
affidavit in the present contempt petition.

MEMBER (J)

ORAL ORDERS 17.8.2021-HDD

C.P.NO. 9/2021 IN O.A.NO. 70/2018
(Dadabhau T. Parte Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
(The present case has been placed before
the Single Bench due to non-availability of
Division Bench).

DATE : 17.8.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate
for the applicant and Mrs. Deepali S. Deshpande,
learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in
reply on behalf of respondent Nos. 2 & 3 and the same
is taken on record and copy thereof has been served
on the learned Advocate for the applicant.

3. S.O. to 23.9.2021 for filing rejoinder affidavit by
the applicant, if any.

MEMBER (J)

ORAL ORDERS 17.8.2021-HDD

C.P.NO. 12/2021 IN O.A.NO. 2/2019
(Tukaram R. Bhojane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
(The present case has been placed before
the Single Bench due to non-availability of
Division Bench).

DATE : 17.8.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 4 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Presenting Officer, S.O. to 24.9.2021 for filing affidavit in reply on behalf of other respondents.

MEMBER (J)

ORAL ORDERS 17.8.2021-HDD

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

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

(The present case has been placed before the Single Bench due to non-availability of Division Bench).

DATE : 17.8.2021

ORAL ORDER :

Heard Ms. Angha 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 Ashish Rajkar, learned Advocate for respondent Nos. 5 to 12 & 14, Shri N.S. Choudhary, learned Advocate for respondent No. 13 and Shri A.S. Shelke, learned Advocate for respondent No. 15.

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

3. Learned Advocate for respondent No. 15 has also filed affidavit in reply on his behalf and the same is taken on record and copy thereof has been served on the other side.

4. S.O. to 24.9.2021 for filing affidavit in reply on behalf of other respondents.

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)

(The present case has been placed before the Single Bench due to non-availability of Division Bench).

DATE : 17.8.2021

ORAL ORDER :

Heard Shri Ketan D. Pote, learned Advocate holding for Shri A.G. Ambetkar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3, Shri Vijay Suradkar, learned Advocate for respondent No. 4 and Shri Rahkul A. Tambe, learned Advocate for respondent No. 5.

2. It appears from the proceedings that the separate affidavit in replies on behalf of respondent Nos. 2, 3, 4 & 5 have already been filed on record.

3. S.O. to 24.9.2021 for filing affidavit in reply on behalf of respondent No. 1, if any.

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)
(The present case has been placed before
the Single Bench due to non-availability of
Division Bench).

DATE : 17.8.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 24.09.2021 for filing affidavit in reply on behalf of respondent No. 1.

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)
(The present case has been placed before
the Single Bench due to non-availability of
Division Bench).

DATE : 17.8.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O.
to 24.09.2021 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 17.8.2021-HDD

M.A.NO. 60/2021 IN O.A.NO. 85/2021
(Dr. Balaji M. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
(The present case has been placed before
the Single Bench due to non-availability of
Division Bench).

DATE : 17.8.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O.
to 16.09.2021 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 17.8.2021-HDD

**M.A. 141/21 WITH M.A. 121/21 IN O.A. 295/19
WITH C.P. 3/21 IN O.A. 295/19**

**(State of Maharashtra & Ors. Vs. Maharashtra Rajya Hangami
Hivtap Prayogshala Karmachari Sangathana through its
President)**

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

(The present case has been placed before
the Single Bench due to non-availability of
Division Bench).

DATE : 17.8.2021

ORAL ORDER :

Heard Shri M.S. Mahajan, learned Chief
Presenting Officer for the applicants in M.A. No.
141/2021 (respondents in O.A.), Ms. Preeti Wankhade,
learned Advocate for the respondent in M.A. 141/2021
(applicant in O.A.) and Shri Vinod Patil, learned
Advocate for the intervenor (M.A. No. 121/2021).

2. S.O. to 9.9.2021 for compliance of order dated
3.8.2021.

MEMBER (J)

M.A.NO. 168/2021 IN O.A.NO. 566/2017
(Rajendra G. Mane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
(The present case has been placed before
the Single Bench due to non-availability of
Division Bench).

DATE : 17.8.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O.
to 21.09.2021 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 17.8.2021-HDD

ORIGINAL APPLICATION NO. 582/2017
(Sanjay B. Kolate & 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 : 17.08.2021

ORAL ORDER :

Heard Shri A.S. Shelke, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. As the Division Bench is not available today, S.O. to 28.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 76/2018

(Pursushottam S. Andhale & 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 : 17.08.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants, Shri B.S. Deokar, learned Presenting Officer for the respondent 1 & 2, Shri L.M. Kulkarni, learned Advocate for respondent nos. 3 to 6 and Shri S.R. Shirsat, learned Advocate for respondent nos. 7 to 9.

2. Learned Advocates for respondent nos. 3 to 6 and 7 to 9 have filed 2 separate affidavits in replies on behalf of the respective respondents. The same are taken on record and copies thereof are supplied to learned Advocate for the applicants.

3. As the Division Bench is not available today, S.O. to 28.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 1057/2019
(Jivan B. Thosar 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 : 17.08.2021

ORAL ORDER :

Heard Shri Swapnil A. Deshmukh, learned
Advocate for the applicant and Shri D.R. Patil, learned
Presenting Officer for the respondents.

2. As the Division Bench is not available today, S.O.
to 28.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 181/2020
(Rajesh H. Gaikwad 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 : 17.08.2021

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 24.8.2021 for hearing.

MEMBER (J)

O.A. NOS. 468, 469 & 478 ALL OF 2020
(Kuldeep I. Chole & 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 : 17.08.2021

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the applicants in all the three cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all the three cases.

2. As the Division Bench is not available today, S.O. to 15.9.2021 for hearing.

MEMBER (J)

C.P. 8/2021 IN T.A. 1/2016 (W.P. 115/2016)
(Abhay G. Sanap 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 : 17.08.2021

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1 and Shri M.B. Kolpe, learned Advocate for respondent no. 2.

2. As the Division Bench is not available today, S.O. to 14.9.2021.

MEMBER (J)

**M.A. 163/2021 IN REV. ST. 371/2021 IN T.A.
1/2016 (W.P. 115/2016)
(Maharashtra Public Service Commission 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 : 17.08.2021

ORAL ORDER :

Heard Shri M.B. Kolpe, learned Advocate for the applicant in M.A./ respondent no. 2 in C.P. 8/2021, Shri S.D. Munde, learned Advocate for respondent no. 1 in the present M.A. / applicant in C.P. 8/2021 and Shri N.U. Yadav, learned Presenting Officer for the respondent no. 2 in the present M.A. / respondent no. 1 in C.P. 8/2021.

2. As the Division Bench is not available today, S.O. to 14.9.2021.

MEMBER (J)

M.A. 149/2019 IN O.,A. ST. 413/2019
(Bharat Z. Patil 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 : 17.08.2021

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 20.9.2021.

MEMBER (J)

M.A. 222/2019 IN O.,A. ST. 851/2019
(Nandeo M. Bawiskar 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 : 17.08.2021

ORAL ORDER :

Heard Shri B.G. Lathe, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. As the Division Bench is not available today, S.O. to 20.9.2021 for filing rejoinder affidavit, if any.

MEMBER (J)

**MA 243/2021 WITH MA 50/2021 IN O.A. 223/2018
(Madhav V. Kale 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 : 17.08.2021

ORAL ORDER :

Heard Shri Mohit Deshmukh, learned Advocate holding for Shri S.C. Chapalgaonkar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.N. Gaikwad, learned Advocate for respondent no. 5. None appears for respondent nos. 4 & 6.

2. As the Division Bench is not available today, S.O. to 25.8.2021.

MEMBER (J)

M.A. 245/2021 IN O.,A. 320/2021
(Amol D. Jeve 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 : 17.08.2021

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 25.8.2021 for hearing on the line of order dated 12.8.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 713/2017
(Venkat D. Mundhe 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 : 17.08.2021

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 6.9.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 96/2018
(Arun K. Tike 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 : 17.08.2021

ORAL ORDER :

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

2. As the Division Bench is not available today, S.O. to 6.9.2021 for final hearing.

MEMBER (J)