

**ORIGINAL APPLICATION NO.506/2021
(Ranjana Barde Vs. State of Maharashtra & Ors.)**

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

DATE : 16.09.2021

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Advocate for the Applicant and Smt. Deepali Deshpande, learned Presenting Officer for the Respondents.

2. Issue notice to the respondents, returnable on 01.10.2021.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A.NO.506/2021

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 01.10.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

ORIGINAL APPLICATION NO.546/2021
(Dipak Rohakale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 16.09.2021
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. Applicant has pleaded that his transfer is mid-tenure and has been shown as a request transfer without his having applied for any request transfer and he has learnt about his transfer from social media group and yet to receive the said order of transfer.

3. Learned C.P.O. states that the applicant has been relieved and the reliever has already taken charge of the post. It is also noted that the impugned order of transfer is having a chain of transfer of many employees.

4. Learned Advocate for the applicant has requested for calling for record i.e. minutes of the meeting of Civil Services Board related to the impugned order of transfer and correspondence relating to the same.

5. Learned C.P.O. has agreed to the same and prayed for some time. He shall produce the above record on 22-09-2021.

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O.A.NO.546/2021

6. In the meanwhile, issue notice to the respondents, returnable on 22.09.2021.

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.

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 22.09.2021.

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

MEMBER (A)

ORIGINAL APPLICATION NO.70/2020
(Shaikh Hameed Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri S.D.Dhongde, learned Advocate for the Applicant and Shri N.U.Yadav, learned Presenting Officer for the Respondents.

2. Learned P.O. states that affidavit in reply of respondent no.1 is not necessary.
3. Learned Advocate for the applicant submits that he does not wish to file affidavit in rejoinder.
4. Pleadings are complete. Case be placed for final hearing on the next date.
5. S.O. to 21-10-2021.

MEMBER (A)

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

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri A.S.Deshmukh, learned Advocate holding for Shri D.S.Manoorkar learned Advocate for the Applicants and Shri M.P.Gude, learned Presenting Officer for the Respondent no.1 and Shri S.B.Mene learned Advocate for respondent nos.2 and 3.

2. Arguments of both sides are heard at some length. Case be treated as part heard.

3. S.O. to 24-09-2021 for final hearing.

MEMBER (A)

ORIGINAL APPLICATION NO.918/2019
(Ashok Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate holding for Smt. S.A.Dhongde, learned Advocate for the Applicant and Shri M.P.Gude, learned Presenting Officer for the Respondents.

2. Learned P.O. has filed affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. Learned Advocate for the applicant states that the applicant does not wish to file affidavit in rejoinder.

4. Pleadings are complete. Case be placed for final hearing.

5. S.O. to 14-10-2021 for final hearing.

MEMBER (A)

M.A.NO.130/2020 IN O.A.NO.114/2020
(Dagdu Patil Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time for filing affidavit in rejoinder. Time is granted.
3. S.O. to 04-10-2021.

MEMBER (A)

**O.A.NOS.740/19, 741/19, 742/19, 743/19,
745/19, 746/19, 01/2021 AND 45/2021
(Natharao Dodabe & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri M.B.Bharaswadkar, learned Advocate for the Applicants and Shri M.S.Mahajan, learned Chief Presenting Officer, Shri B.S.Deokar & Smt. Sanjivani Ghate learned Presenting Officers for the Respondents in respective cases.

2. It is noticed that O.A.No.01/2021 and O.A.No.45/2021 relate to the same subject matter, regarding same Division, same authority and prayer is also same. Applicants in O.A.No.01/2021 and O.A.No.45/2021 have also cited same case laws. Therefore, the O.A.No.01/2021 and O.A.No.45/2021 are tagged together with the present O.As.

3. Applicants have made reference to judgment passed by the Hon'ble High Court of Judicature of Bombay Bench at Aurangabad in Writ Petition No.10724/2016 on 27-06-2017 citing case laws on similar circumstances. However, petitioner in the said Writ Petition does not appear in the list of any of the present O.As.

4. Learned Advocate for the applicant has been advised to submit a copy of O.A. and copy of order of the Tribunal

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O.A.NOS.740/2019 & Ors.

which was under judicial review of Hon'ble High Court of Judicature of Bombay Bench at Aurangabad in Writ Petition No.10724/2016. He is also advised to submit excel sheet showing criteria for regularization of daily wager forest workers as per G.R. dated 16-10-2012 for 8 applicants in the instant O.As. ticking the boxes where they meet the criteria making it self-explanatory on merit of each individual case.

5. At the same time, learned P.O. is also advised to prepare excel sheet of 93 workers which the Deputy Conservator of Forests, Parbhani as reported to Chief Conservator of Forests, Aurangabad vide letter at Annexure A-5 (paper book page 30) as per his scrutiny who have completed 240 days work during the 5 years in the period of 01-11-1994 to 30-06-2004 and that should be enclosed with the affidavit in reply of the respondents.

6. S.O. to 11-10-2021 for filing affidavit in reply on behalf of the respondents.

MEMBER (A)

ORIGINAL APPLICATION NO.535/2020
(Laxman Kopratkar Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri R.S.Gadve learned Advocate holding for Shri G.J.Kore, learned Advocate for the Applicant and Smt. Deepali Deshpande, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time is granted.

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

MEMBER (A)

ORIGINAL APPLICATION NO.07/2021
(Arun Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri V.B.Wagh, learned Advocate for the Applicant and Smt. Deepali Deshpande, learned Presenting Officer for the Respondents.

2. It has been brought to my notice that sole respondent District Collector, Ahmednagar has not responded by filing affidavit in reply though he has been served notice in the month of January, 2021.

3. Delay on the part of the respondent in filing affidavit in reply defeats the very purpose of administration of justice. Therefore, personal affidavit of respondent i.e. District Collector, Ahmednagar be filed stating status of action taken in this matter.

3. S.O. to 23-09-2021 as a last chance for filing affidavit in reply.

MEMBER (A)

ORIGINAL APPLICATION NO.30/2021
(Kedarnath Budhwant Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. Respondent no.3 has filed affidavit in reply on 23-03-2021. However, respondent nos.1 and 2 i.e. the Principal Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department and Commissioner for Agriculture, Pune have not filed affidavit in reply.

3. Learned P.O. seeks a short time for filing affidavit in reply on behalf of respondent nos.1 and 2. Time is granted.

4. S.O. to 30-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.939/2016
(Rajendra Salvi Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri J.S.Deshmukh, learned Advocate for the Applicant has filed **leave note** on record. Shri M.S.Mahajan, learned Chief Presenting Officer for the Respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 07-10-2021.

MEMBER (A)

C.P. No. 04/2020 in O.A. No. 333/2017
(Dr. Shital A. Soni Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Await service of notices on the respondents.
3. As none present for the applicant, S.O. to 16.11.2021 for passing necessary order.

MEMBER (A)

MEMBER (J)

C.P. No. 05/2020 in O.A. No. 336/2017
(Dr. Yogesh V. Solanke Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 4. Shri M.S. Taur, learned Advocate for respondent No. 5, **absent**.

2. Await service of notices on the respondents.

3. As none present for the applicant, S.O. to 16.11.2021 for passing necessary order.

MEMBER (A)

MEMBER (J)

C.P. No. 06/2020 in O.A. No. 332/2017
(Dr. Anil S. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 4. Shri V.P. Narwade, learned Advocate for respondent No. 5, **absent**.

2. Await service of notices on the respondents.

3. As none present for the applicant, S.O. to 16.11.2021 for passing necessary order.

MEMBER (A)

MEMBER (J)

O.A. No. 892/2018 with O.A. No. 901/2018
(Dhananjay D. Chandodkar & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants in both the O.As. and Shri B.S. Deokar, learned Presenting Officer for the respondents in both the O.As.

2. At the request of learned Advocate for the applicants, time is granted for filing rejoinder affidavit in both the O.As.

3. S.O. to 27.10.2021. Interim relief granted earlier in O.A. No. 892/2018 to continue till next date.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 451 OF 2020
(Shrihari S. Solanke Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply is filed on behalf of respondent No. 2.
3. Learned C.P.O. seeks time for filing affidavit in reply on behalf of respondent No. 1. Time granted.
4. S.O. to 21.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 224 OF 2021
(Chandu M. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri S.B. Jadhav, learned Advocate for the applicant and Shri B.S. Deokar, 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 17.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 312 OF 2021
(Subhash 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 : 16.09.2021

ORAL ORDER :

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

2. Record shows that by the order dated 05.07.2021, the respondent Nos. 1 and 2 were directed to decide the representation dated 14.06.2021 made by the applicant by 20.07.2021 and communicate about it to the applicant immediately.

3. Learned Advocate for the applicant submits that the applicant has not received any communication regarding disposal of his representation.

4. Learned Presenting Officer submits that he would seek necessary instructions from the respondents about the above said representation. However, prima-facie, it seems that the respondents have not complied with the direction given by this Tribunal on 05.07.2021.

5. S.O. to 20.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 445 OF 2021
(Gautam C. Deolalikar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. Learned Presenting Officer files 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. S.O. to 25.10.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

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

DATE : 16.09.2021

ORAL ORDER :

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

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

3. S.O. to 21.10.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 111/2021 in O.A. St. No. 439/2021
(Shivaji T. Kote & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 6. Shri J. M. Murkute, learned Advocate for respondent Nos. 35, 50, 58 & 59, **absent**.

2. Learned Presenting Officer files affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 22.10.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

M.A. No. 232/2021 in O.A. St. No. 932/2021
(Mahendra K. Wadgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri Mahendra K. Wadgaonkar, applicant in person and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

3. S.O. to 21.10.2021.

MEMBER (A)

MEMBER (J)

Rev. 06/2019 in O.A. No. 100/2018
(Ramrao T. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, 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 25.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 183 OF 2020
(Rajendra G. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply.

3. S.O. to 27.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 341 OF 2019
(Smt. Kamal 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 : 16.09.2021

ORAL ORDER :

Heard Shri A.M. Nagarkar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Pleadings are complete. The present matter is admitted and it be kept for final hearing on 29.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 84 OF 2020
(Chunilal M. Yawalkar Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that inadvertently in the Original Application address of respondent No. 5 is mentioned as "Jalgaon" instead of "Dhule". Therefore, he seeks correction in it. Annexure A-1 shows that the applicant was appointed in the office of Executive Engineer, Quality Control Division, Water Resources Division, Dhule.

3. In view of the same, the correction as prayed for by the applicant is granted. The applicant shall carry out the necessary correction in the O.A. forthwith.

4. S.O. to 06.10.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 325/2019 in O.A. St. No. 1389/2019
(Sukhdeo R. Solankar Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 01.10.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 351/2020 in O.A. No. 470/2018
(Mahadabai G. Dhulekar Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time for filing rejoinder affidavit in O.A. No. 470/2018. Time granted.

3. S.O. to 28.10.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 51/2021 in O.A. St. No. 184/2021
(Sangameshwar M. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer files affidavit in reply on behalf of respondent Nos. 1 to 3 in M.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 28.10.2021.

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 : 16.09.2021

ORAL ORDER :

Shri Vijay V. Deshmukh, learned Advocate for the applicant (**Absent**), Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 06.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 424 OF 2020
(Anil D. Kondhare Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 454 OF 2020
(Ambadas P. Lagad Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 16.09.2021

ORAL ORDER :

Heard Shri S.R. Shirsath, learned Advocate for the applicants in both the O.As. and S/shri S.K. Shirse & M.P. Gude, learned Presenting Officers for the respective respondents in respective O.As.

2. Learned Advocate for the applicant produces on record a copy of notification dated 11.06.2019 issued by the G.A.D. adding 6th proviso to Rule 3 of the Clerk-Typist, Group "C" in the Government Offices, outside Greater Mumbai (Recruitment) Rules, 2017. Copy of the said notification is taken on record and marked as document 'X' for the purpose of identification.

3. Learned Presenting Officer seeks time for filing response to the query put on 01.09.2021. Time granted.

4. S.O. to 04.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 153 OF 2019
(Suresh S. Dixit Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant placed on record a copy of application dated 08.09.2021 of the applicant seeking permission to withdraw the present Original Application stating that his grievance is redressed. Copy of the said application is taken on record and marked as document 'X' for the purpose of identification.

3. In view of above, the Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 440 OF 2018
(Shivaji D. Sirsat Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri C.S. Jagtap, learned Advocate for respondent No. 5.

2. The present matter is to be treated as part heard.
3. S.O. to 07.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 813 OF 2018
(Robinson R. Masih Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. During the course of arguments, learned Presenting Officer for the respondents submits that he will call for original record as regards the authority of phone tapping and preparing transcript.

3. Learned Advocate for the applicant submits that he would seek instructions from the applicant about the record, if any maintained by the applicant while contacting secret informant.

4. S.O. to 27.09.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 299/2021 in O.A. No. 422/2020
(Nilesh R. Tagad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Shri Sandeep Munde, learned Advocate for the applicants (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. As none present for the applicants, S.O. to 27.09.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 300/2021 in O.A. St. No. 1286/2021
(Jagdish S. Jagtap & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Shri Sandeep Munde, learned Advocate for the applicants (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. As none present for the applicants, S.O. to 27.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 477 OF 2018
(Santosh U. Mandage & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 06.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 682 OF 2018
(Rahul S. Shirsath Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 18.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 444 OF 2019
(Dnyanoba S. Bilapate Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 13.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 787 OF 2019
(Laxman P. Huse Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 07.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

M.A. 578/2019 in O.A. No. 829/2018
(Kiran Pranav Prabhakar Kolte Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 96 OF 2020
(Kiran P. Kolte Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 08.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

DATE : 16.09.2021

ORIGINAL APPLICATION NO. 555 OF 2021

(Mahendra D. Suryawanshi Vs. The State of Maharashtra & Ors.)

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

1. Shri S.D. Dhongde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 12.10.2021. The case be listed for admission hearing on 12.10.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

KPB – REGISTRAR NOTICE

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

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

DATE : 16.09.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Ajay D. Pawar, learned Advocate for respondent no. 3.

2. Record shows that respondent nos. 1, 3 & 4 have already filed their affidavit in reply. Learned P.O. seeks time for filing affidavit in reply on behalf of respondent nos. 2 & 5. Time granted.

3. S.O. to 13.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 336/2021
(Raosaheb S. Bhosale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 14.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 429/2021
(Vikas P. Tupare Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. Record shows that except the respondent no. 1, rest of the respondents are served.

3. Learned C.P.O. seeks time for filing affidavit in reply on behalf of respondent nos. 2 to 4. Time granted.

4. S.O. to 18.10.2021.

5. Await service of respondent no. 1.

MEMBER (J)

ORIGINAL APPLICATION NO. 430/2021
(Dr. Prem B. Bansode Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

Heard Shri Sanjay N. Pagare, 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 of the respondents. Time granted.
3. S.O. to 18.10.2021.

MEMBER (J)

M.A.18/2020 IN O.A. 81/2018

(Sayyed Wali Abdul Khadar Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

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

3. S.O. to 12.10.2021.

MEMBER (J)

ARJ ORAL ORDERS 16.09.2021

M.A. 85/2021 IN O.A. ST. 348/2021
(Shankar F. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

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 Presenting Officer seeks time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 13.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 437/2021
(Vilas N. Ingle Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has placed on record copy of order dated 30.8.2021 issued by the respondent no. 2, whereby the impugned transfer order dated 9.8.2021 (Annex. A-7) in respect of the applicant is cancelled. It is taken on record and marked as document 'X' for the purpose of identification. In view of the same, the learned Advocate for the applicant seeks to dispose of O.A.

3. Learned P.O. has no objection for disposal of the O.A.

4. In view of the order dated 30.8.2021 (document 'X') issued by the respondent no. 2 cancelling the impugned transfer order dated 9.8.2021 (Annex. A-7) in respect of the applicant, nothing remained to be decided in the present O.A.

5. Hence, the Original Application stands disposed of with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 525/2021
(Gurling N. Tanwade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, 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. Time granted.
3. S.O. to 22.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 493/2020
(Prabhu G. Thakare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

Shri Sudhir K. Chavan, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 20.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 95/2021
(Nitin S. Shelar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

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

2. Admit.
3. S.O. to 13.10.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 189/2021
(Sakharam C. Kashid Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent no. 1 and Shri Shamsunder B. Patil, learned Advocate for respondent nos. 2 to 4.

2. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted.

3. S.O. to 14.10.2021. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 214/2021
(Ramnath N. Raut Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent no. 1 and Shri Shamsunder B. Patil, learned Advocate for respondent nos. 2 & 3.

2. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted.

3. S.O. to 14.10.2021. The interim relief granted earlier to continue till then.

MEMBER (J)

M.A. 515/2019 IN O.A. ST. 834/2019
(Ravikant R. Hadoltikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

Shri Vivek G. Pingle, learned Advocate for the applicant (**leave note**). Shri D.R. Patil, learned Presenting Officer for the respondent nos. 1 & 3 and Shri G.N. Patil, learned Advocate for respondent no. 2, are present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 20.10.2021.

MEMBER (J)

M.A. 308/2019 IN O.A. ST. 1319/2019
(Nathu N. Khartade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 12.10.2021 for hearing at the stage of admission.

MEMBER (J)

M.A. 604/2019 IN O.A. ST. 2158/2019
(Venkat S. Mundhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

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

2. Learned P.O. seeks time for filing affidavit in reply of the respondents in the M.A. Time granted.
3. S.O. to 18.10.2021.

MEMBER (J)

M.A. 13/2021 IN O.A. ST. 50/2021
(Dashrath D. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 13.10.2021 for hearing at the stage of admission.

MEMBER (J)

**M.A. 144/2021 IN M.A. 218/2019 IN O.A. ST.
770/2019
(Punjaji S. Yelne & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021**

ORAL ORDER :

Shri Vivek G. Pingle, learned Advocate for the applicants (**leave note**). Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. In view of leave note of learned Advocate for the applicants, S.O. to 18.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 532/2021
(Kaviraj J. Kucche Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent nos. 1 & 2 and Shri N.B. Narwade, learned Advocate for respondent no. 3.

2. This Original Application is filed challenging the impugned order of transfer of the applicant dated 7.9.2021 (Annex. A-2), thereby transferring the applicant from the post of District Conservation Officer, Water Conservation Department (Local Sector), Jalna to the post of District Water Conservation Officer, Zilla Parishad (Minor Irrigation Division), Jalna. The said order said to have been issued U/s 4(4) & 4(5) of the Transfer Act, 2005.

3. It is the contention of the applicant that he is working on the present post since 2.7.2020 as per the previous transfer order on promotion dated 30.6.2020 (Annex. A-1). The impugned transfer order of the applicant is dated 7.9.2021 (Annex. A-2) and therefore the applicant has worked on the present for the period

of about 01 year and 02 months. In view of the same the impugned transfer order of the applicant is a midterm and mid tenure. It is the further contention of the applicant that no exceptional circumstances or special reasons are reflected in the impugned transfer order of the applicant. The respondent no. 3 – Shri Rajaram Hiralal Zuravat – has been transferred by the separate transfer order on promotion dated 7.9.2021 (page 28 of paper book), which is a part of Annex. A-2 collectively. It is the further contention of the applicant that there are other vacant posts, where the respondent no. 3 could have been accommodated. Even the place, where the applicant has been transferred by the impugned transfer order, was also vacant. Instead of that the respondent no. 3 has been posted on promotion on the post held by the applicant causing inconvenience to the applicant.

4. It is the further contention of the applicant that the applicant has not been relieved and the respondent no. 3 said to have taken the charge ex-parte without being properly relieved from the post held by him as Sub Divisional Water Conservation Officer, Chikhali, Dist. Buldhana. In view of the same,

the learned Advocate for the applicant seeks interim stay to the implementation and execution of the impugned transfer order.

5. Learned P.O. for the respondent nos. 1 & 2 submitted on record copy of communication dated 15.9.2021 received to him from the office of respondent no. 3 along with accompanying copies of 02 letters dated 7.9.2021 addressed to the District Water Conservation Officer, Soil & Water Conservation Department, Jalna by the Assistant Regional Water Conservation Officer, Soil & Water Conservation Department, Aurangabad. The said documents are taken on record and marked as document 'X' collectively for the purpose of identification. In view of the said documents, the learned P.O. submits that the applicant has been relieved from the present post on 7.9.2021 so as to enable him to join on the transferred post. In view thereof, according to the learned P.O., this is not a fit case to grant interim stay in favour of the applicant. He seeks time for filing affidavit in reply of respondent nos. 1 & 2.

6. Learned Advocate for respondent no. 3 has placed on record affidavit in reply of respondent no. 3,

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O.A. NO. 532/2021

thereby he has opposed for grant of interim stay to the impugned transfer order of the applicant stating that the respondent no. 3 has already taken ex-parte charge of the post of the applicant on 8.9.2021 (Before Noon) after the respondent no. 3 being relieved from his post of Sub Divisional Water Conservation Officer, Chikhali, Dist. Buldhana on the same day. The respondent no. 3 has annexed copy of the letter dated 8.9.2021 purportedly issued by the Sub Divisional Water Conservation Officer, Chikhali, Dist. Buldhana stating that the respondent no. 3 is relieved from his post on 8.9.2021 (Before Noon) and one Shri S.N. Shinde has taken the charge of his post on that day. In view thereof, the respondent no. 3 also opposed grant of interim stay to the impugned transfer order of the applicant.

7. Considering the facts as revealed from the pleadings and the documents as narrated above, on one hand, the applicant is saying that he has not been relieved in accordance with law and more particularly in accordance with the provisions of rule 29 of M.C.S. (General Conditions of Services) Rules, 1981 and the respondent nos. 1 to 3 have acted hands in gloves for taking ex-parte charge forcibly of the post of the

applicant. However, the said allegations are denied by the learned P.O. for respondent nos. 1 & 2 and the learned Advocate for respondent no. 3. The documents produced on record by the learned P.O. (documents 'X' collectively) show that letter dated 7.9.2021 is issued by the Assistant Regional Water Conservation Officer, Soil & Water Conservation Department, Aurangabad relieving the applicant from the present post. The learned Advocate for the applicant, however, submits that the copy of said relieving letter is not served on the applicant. Prima-facie also, there is no acknowledgement of the applicant. Even perusal of relieving letter dated 8.9.2021 (paper book page 66) in respect of respondent no. 3 does not clarify as to whether it is signed by the respondent no. 3 himself or Shri S.N. Shinde, who took the charge from the respondent no. 3 or somebody else. Learned Advocate for the respondent no. 3 is also unable to explain about this.

8. Some irregularities can be seen as regards relieving the applicant and the respondent no. 3 and taking the charge of the post of the applicant by the respondent no. 3. However, one thing is clear that some undue haste has been shown in that procedure.

However, at prima-facie stage, no irresistible inference can be drawn in order to pass the order of interim relief. It is, however, noted that unwarranted and undesirable situation has been created by the respondents, for the best reasons known to them only. Therefore, in my view, grant of interim stay to the impugned transfer order of the applicant would create some complications, which would not be desirable. Therefore, hearing of the present case can be expedited.

9. Hence issue notices to the respondents, returnable on 11.10.2021.

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.

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O.A. NO. 532/2021

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.

14. S.O. to 11.10.2021.

15. Respondent nos. 1 & 2 to keep the concerned original record available on the next date for the perusal of this Tribunal.

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

MEMBER (J)

M.A. 31/2021 IN O.A. ST. 62/2021
(Ramkisan J. Nampalle & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

Heard Shri Vaibhav B. Dhage, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant is directed to produce on record copy of appointment order of any one of the applicants to demonstrate the appointing authority of Kotwal.

3. S.O. to 28.9.2021.

4. The present matter be treated as a part heard.

MEMBER (J)

M.A. 201/2020 IN O.A. ST. 464/2020
(Satish S. Gugale Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. With consent of both the sides, S.O. to 27.9.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 955/2018
(Madhukar K. Sarpdhare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

Heard Shri S.B. Mene, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent nos. 1 to 4 and Shri S.B. Bhosale, learned Advocate for respondent no. 5.

2. With the consent of both the sides, S.O. to 4.10.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 683/2019
(Shivaji M. Ghantewad Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 902/2019
(Shivaji M. Thorat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicants in both the cases and Shri B.S. Deokar, learned Presenting Officer for the respondents in both the cases.

2. With the consent of both the sides, S.O. to 27.9.2021 for final hearing.

MEMBER (J)

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 16.09.2021

ORAL ORDER :

None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 6.10.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 158 OF 2021
(Kumar Pravin S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

Heard Ms. Rakhi V. Sundale, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant and learned Presenting Officer for the respondents both are directed to file written notes of arguments on or before the next date of hearing.

3. The present case be treated as a part heard.

4. S.O. to 14.10.2021.

MEMBER (A)

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

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

DATE : 16.09.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed photo copy of document comprising total 14 pages covering details of minutes of meeting dated 23.8.2021 of the Civil Services Board and other background documents dealing with the transfers of persons who are not eligible for transfer and also a document titled as “म. मंत्री महोदयांचे कार्यालय .” Learned Presenting Officer has also filed copies of two Government Orders dated 27.8.2021 & 30.8.2021 and another document dealing with minutes of meeting of Civil Services Board-1 (A) dated 27.7.2021. They are collectively taken on record.

3. *Prima-facie*, the records made available do not explicitly explain and justify, the transfer of the applicant from Karzat, which appears to be action based on after thought and after reliever of the

applicant has already been posted in his place two weeks earlier. Therefore, it is warranted to have personal affidavit of Secretary, Agriculture, Animal Husbandry, Dairy Development & Fisheries Department, Mantralaya, Extension, Mumbai, giving details of the background facts, which had transpired issue of the impugned transfer order.

3. At the request of learned Presenting Officer, S.O. to 24.9.2021 for filing personal affidavit in reply of Secretary, Agriculture, Animal Husbandry, Dairy Development & Fisheries Department, Mantralaya, Extension, Mumbai.

MEMBER (A)

ORIGINAL APPLICATION NO. 468 OF 2021
(Vandana P. Bhumkar Vs. State of Maharashtra & Ors.)

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

DATE : 16.09.2021

ORAL ORDER :

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

2. The present Original Application has been filed by the applicant challenging the impugned transfer order dated 9.8.2021 issued by the respondent No. 2, the Inspector General of Registration & Stamp Controller, M.S., Pune transferring her from the office of the District Joint Registrar, Aurangabad to the office of Sub Registrar, Khamgaon No. 1, District Buldhana.

3. It is undisputed fact that the applicant is due for transfer. However, she finds her transfer from Aurangabad to Buldhana very inconvenient. Her request has been that the Transferring Authority could post her nearby Aurangabad preferably at any place of choice, she has given as per requirement by the department.

4. Learned Advocate for the applicant has submitted that the applicant has filed representation

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dated 13.8.2021 to the respondent No. 2, the Inspector General of Registration and Stamp Controller, M.S. Pune; thereby requesting she may be posted at Mantha or Partur. A copy of the said representation is placed on record at Annexure 'A-6', page-44 of paper book. Learned Advocate for the applicant submits that the concerned respondents may kindly be directed to decide the representation dated 13.8.2021 filed by the applicant.

5. However, in given circumstances, interference in administration of the department with object to facilitate getting convenient posting for any applicant would be unwarranted.

6. In view of the above, the respondents are advised to consider the representation dated 13.8.2021 filed by the applicant on its own merits.

7. With the above directions and observations, the present Original Application stands disposed of without any order as to costs.

MEMBER (A)

Date : 16.09.2021
ORIGINAL APPLICATION NO. 552 OF 2021
(Jabbar D. Pinjari V/s State of Maha. & Ors.)

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

1. Shri Panditrao S. Anerao, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 11.10.2021. The case be listed for admission hearing on **11.10.2021**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 16.09.2021

ORIGINAL APPLICATION NO. 499 OF 2021

(Dr. Vinayak R. Patil V/s State of Maha. & Ors.)

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

1. Shri Jayant S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 20.10.2021. The case be listed for admission hearing on **20.10.2021**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 16.09.2021
ORIGINAL APPLICATION NO. 516 OF 2021
(Vishwasrao V. Kulkarni V/s State of Maharashtra
& Ors.)

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

1. Shri Ajay S. Deshpande, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 20.10.2021. The case be listed for admission hearing on **20.10.2021**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 16.09.2021

ORIGINAL APPLICATION NO. 554 OF 2021

(Harshal N. Yevle V/s State of Maha. & Ors.)

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

1. Shri Ravindra B. Ade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 21.10.2021. The case be listed for admission hearing on **21.10.2021**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 16.09.2021

M.A.NO. 301/2021 IN O.A.ST.NO. 1279/2021

(Dr. Eknath D. Male V/s State of Maha. & Ors.)

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

1. Shri Sham B. Patil, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents in M.A. No. 301/2021, returnable on 21.10.2021. The case be listed for admission hearing on **21.10.2021**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

