

O.A.No.153/2022 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri Y.P.Kaslikar, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 17.07.2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.127/2023 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri Y.P.Kaslikar, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 17.07.2023.**

Date:-03/07/2023.
aps.

Member (J)

O.A.No.359/2023 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri Y.P.Kaslikar, ld. Counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondents and Shri S.B.Patil, ld. Counsel for the R-5.

2. On oral request of ld. Counsel for the applicant, **S.O. 17.07.2023.**

Date:-03/07/2023.
aps.

Member (J)

O.A.No.770/2022 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri S.S.Patil, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. On oral request of Id. P.O., **S.O. 17.07.2023 to file reply.**

3. **No further time is granted to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.Nos.954&955/2022 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri B.Kulkarni, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. On oral request of Id. Counsel for the applicant, **S.O. two weeks.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.339/2023 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri Y.P.Kaslikar holding for Shri P.A.Kadu, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the State. C.F. applicant has not filed service affidavit for R-2 & 3.

2. On oral request of ld. Counsel for the applicant, **S.O. 07.07.2023 to file service affidavit.**

Date:-03/07/2023.
aps.

Member (J)

O.A.No.417/2023 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri P.N.Warjekar, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the State. Await service of R-2 to 4.

2. Ld. Counsel for the applicant submits that respondents are served and he has filed service affidavit.

3. On oral request of ld. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.420/2023 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

None for the applicant. Shri A.M.Khadatkar,
ld. P.O. for the respondents. None for the R-5.

2. On oral request of ld. P.O., **S.O. two weeks to
file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.527/2023 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

None for the applicant. Shri A.M.Ghogre, ld.
P.O. for the State. Await service of R-1.

2. On oral request of ld. P.O., **S.O. two weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

C.A.No.200/2023:-

Heard Shri A.Motlog, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the State.

2. Notice on C.A. to Respondents be issued returnable in **four weeks**.

3. Shri A.M.Ghogre, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of the O.A.

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

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. four weeks.**

Member (J)

Date:-03/07/2023.
aps.

C.P.No.30/2023inO.A.No.803/2019 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri P.Ramteke, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the State. Await service of R-1 to 4.

2. Ld. Counsel for the applicant states that today he will file service affidavit.

3. On oral request of ld. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

C.P.No.50/2023inO.A.No.1126/2022 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri S.M.Pande holding for Shri R.M.Fating, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 13.07.2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.733/2022 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri S.P.Makkad holding for Shri S.M.Bhangde, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. Issue notice to Respondents, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed

three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. four weeks.**

Member (J)

Date:-03/07/2023.
aps.

C.P.No.53/2023inO.A.No.336/2022 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri S.M.Joshi, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the State.

2. Issue Notice to the respondents returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.
3. Shri A.M.Khadatkar, the learned P.O. waives notice for respondent No. 1. Hamdast granted.
4. **S.O.four weeks.**

Member (J)

Date:-03/07/2023.
aps.

C.P.No.74/2022inO.A.No.406/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri S.M.Pande holding for Shri R.M.Fating, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 13.07.2023.**

Member (J)

Date:-03/07/2023.
aps.

C.P.No.13/2023inO.A.No.896/2021 (D.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri D.P.Dapurkar, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. Ld. P.O. seeks time of one week. He makes a statement that the file of the applicant is placed before the Hon'ble Chief Minister for approval.

3. **S.O. 10.07.2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.509/2023 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :03/07/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. Ld. counsel for the applicant states that respondents 2 & 3 are served and he will file service affidavit within one week.

3. It is pointed out that the respondents do not so far appear to have decided representation of the applicant dated 31.05.2022. Respondents shall decide this representation before 31.07.2023.

4. **Steno copy is granted.**

5. **S.O. 01st week of August, 2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.657/2023 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)

Dated :03/07/2023.

C.A.No.304/2023:-

Heard Shri A.A.Potnis, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. It is pointed out that one of the options given by the applicant for transfer was at P.H.I., Nagpur (P. 55).

3. By referring to A-8 it is demonstrated that by order dated 13.06.2023 three Medical Officers who were so far serving at P.H.I., Nagpur have been transferred and thus there are three vacancies in P.H.I. A statement is made that on these three posts no one has been transferred and posted.

4. Representation dated 15.06.2023 made by the applicant is at A-9. In this representation the applicant has prayed that he be accommodated on a vacant post at P.H.I., Nagpur. This representation is addressed to R-4.

5. Today, ld. P.O. has sought time to file reply to the O.A..Time of two weeks is granted.

6. Respondent no. 4 shall decide representation dated 15.06.2023 (A-9) on its own merits before the returnable date i.e. 18.07.2023.

7. **S.O. 18.07.2023.**

8. **Steno copy is granted.**

Member (J)

Date:-03/07/2023.

aps.

O.A.No.658/2023 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)

Dated :03/07/2023.

Heard Shri V.R.Borkar, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. The impugned order is dated 23.05.2023 (A-1). By this order monthly recovery is directed on the ground that excess payment was made to the applicant on account of wrong pay fixation.

3. The applicant is relying on **Tarachand S/o Urkudaji Gajbhije Vs. State of Maharashtra &Ors. 2021 (2) Mh.L.J. 319 (Bombay High Court)** and **Hon'ble Supreme Court case in State of Punjab & Ors. Vs. Rafiq Masih 2014 Mh.L.J. Online (SC) 47.** Ratio laid down in these rulings *prima facies* supports contention of the applicant that recovery pursuant to the impugned order is not permissible.

4. It is submitted that in the months of May, 2023 and June, 2023 recovery is already effected. Till the returnable date effect and implementation of the impugned order (A-1) shall stand stayed so far as further recovery is concerned.

5. Issue notice to Respondents, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to

notice that the case would be taken up for final disposal at the stage of admission hearing.

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

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. **S.O. four weeks.**

12. **Steno copy is granted.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.670/2023 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)

Dated :03/07/2023.

Heard Smt. R.S.Sirpurkar, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. By order dated 25.05.2023 (A-7) the applicant was granted extension of one year. Further, by this order respondent no. 4 was transferred from Gadchiroli to Navi Mumbai.
3. The impugned order is dated 30.06.2023 (A-1). By this order extension granted to the applicant by order dated 25.05.2023 is cancelled and he has been transferred to Gondia. Further, by this order respondent no. 4 is transferred from Navi Mumbai to Gadchiroli on the post which was held by the applicant.
4. On the basis of these circumstances it is submitted that the impugned order is passed only to accommodate respondent no. 4 suitably and to make this possible extension of one year granted to the applicant by order dated 25.05.2023 has been cancelled. It is further submitted that identical tactic was played when the applicant was transferred earlier.
5. It is the submission of ld. C.P.O. that by the impugned order postings of as many as eight persons have been modified and this circumstances will *prima facies* show that allegations of malafides are unfounded.
6. On behalf of the applicant a statement is made that pursuant to the impugned order the applicant has not been relieved so far. If the applicant is not relieved so far, he shall not be relieved till the returnable date i.e. 12.07.2023.
7. Issue notice to Respondents, returnable on 12.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.
8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
9. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete

paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

10. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
12. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
13. **S.O. 12.07.2023.**
14. **Steno copy is granted.**

Date:-03/07/2023.
aps.

Member (J)

O.A.St.No.1470/2023 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)

Dated :03/07/2023.

Heard Shri P.N.Warjekar, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. In the impugned order at A-10 the applicant is shown to have been transferred from Government Medical College and Hospital, Nagpur to Government Medical College and Hospital at Gondia. It is the submission of the applicant that she is attached to Government Super Speciality Hospital, Nagpur which is a separate establishment.

3. The order of transfer is primarily assailed on the ground that the applicant is transferred and posted on a lower post of Staff Nurse. In support of this submission reliance is placed on order dated 31.03.2021 (A-2). By this order the applicant was promoted from the post of Staff Nurse to Sister Incharge.

4. In reply it is submitted by ld. C.P.O. that as per order dated 31.03.2021 (A-2) the applicant never joined on the promotional post at Gondia and hence she cannot be allowed to contend that now, by the impugned order, she has been posted on a lower post of Staff Nurse.

5. On behalf of the applicant communication dated 26.04.2021 (mark exh. 'X') is placed on record. This communication states that the applicant and three others had informed that they were not willing to accept the promotion. So far this aspect of the matter is concerned it is the contention of the applicant that other similarly placed Staff Nurses were posted on the promotional post though they, too, had communicated their unwillingness to join on the promotional post.

6. Fact remains that the applicant chose not to join on the promotional post and hence, *prima facie* she cannot contend that she has been transferred and posted on a lower post. Further, submission of the applicant is that she is Office Bearer of multiple associations of Government Staff Nurses and if she is transferred functioning of these associations shall be adversely affected.

7. A statement is made that pursuant to the impugned order the applicant has not been so far relieved. The applicant prays for passing an interim order staying the effect and

implementation of the impugned order. I have referred to the relevant facts of the case. Considering these facts I have come to the conclusion that no case is made out to pass interim order.

8. Issue notice to Respondents, returnable on two weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

11. 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.

12. 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

13. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

14. S.O. two weeks.

15. Steno copy is granted.

Member (J)

Date:-03/07/2023.
aps.

O.A.St.No.1469/2023 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :03/07/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. By the impugned order dated 30.06.2023 (A-1) the applicant is transferred from Gondia to Ratnagiri, District Sindhudurg.

3. The applicant has placed on record at A-7 a chart which shows that since 01.02.2010 till today he has served in Naxal Affected Area.

4. The applicant has relied on G.R. dated 06.08.2002 which *inter alia* states as under:-

“2. आदिवासी क्षेत्रातकिमान 2 वर्षेचांगलेकामकेलेल्यागट 'अ' व 'ब' च्याअधिका-यांनादेखिलत्यांच्यापसंतीच्याजिल्हयातसोईनुसारनेमणूका देण्यात याव्यात.”

5. As per communication dated 24.04.2023 (A-7) the applicant had given choices of Bhandara, Nagpur and Aurangabad.

6. On the basis of these circumstances it is submitted that effect and implementation of the impugned order be stayed.

7. In reply it is submitted by ld. P.O. that the applicant was due for transfer.

8. I have referred to choices given by the applicant, places where he has served so far and the relevant stipulation in G.R. dated 06.08.2002. Considering these circumstances case is made out to pass interim order till the returnable date.

9. Effect and implementation of the impugned order dated 30.06.2023 (A-1) shall stand stayed till the returnable date i.e. 18.07.2023.

10. Issue notice to Respondents, returnable on 18.07.2023. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

13. 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.

14. 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

15. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

16. **S.O. 18.07.2023.**

17. **Steno copy is granted.**

Member (J)

Date:-03/07/2023.
aps.

O.A.St.No.1481/2023 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :03/07/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. By order dated 20.08.2021 the applicant was transferred from Police Control Room, Akola to Akot, Police Station. By the impugned order the applicant has been transferred from Akot Police Station to City Kotwali Police Station. The impugned order states that the applicant is transferred on administrative ground. It refers to Constitution of Police Establishment Board as per Section 22 (J) (1) of the Maharashtra Police Act. It is the contention of the applicant that there was no public interest involved nor were there exceptional circumstances to effect transfer of the applicant before completion of his stipulated tenure of 2 years.

3. In reply it is submitted by ld. C.P.O. that the Board has ample power to effect mid tenure transfer as per Section 22 (N) (2) of the Maharashtra Police Act.

4. On behalf of the applicant it is contended that there were no circumstances where under, in the case of the applicant, exercise of powers under Section 22 (N) (2) could be justified.

5. Statement is made on behalf of the applicant that he has not been so far relieved.

6. If the applicant is not relieved pursuant to the impugned order he shall not been relieved till the returnable dated i.e. 14.07.2023.

7. Issue notice to Respondents, returnable on 14.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

9. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

13. **S.O. 14.07.2023.**

14. **Steno copy is granted.**

Member (J)

Date:-03/07/2023.
aps.

O.A.St.No.1482/2023 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :03/07/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. The impugned order is dated 30.06.2023. By this order the applicant is transferred from M.I.D.C. Police Station, Akola to Police Station, Akotfail. The impugned order states that the transfer is effected due to administrative reasons. It also refers to Section 22 (J) (1) of Maharashtra Police Act. The impugned transfer is shown to have been recommended by Police Establishment Board constituted as per Section 22 (J) (1) of the Act. It is not in dispute that it is a mid-tenure transfer.

3. It is submitted that under section 22 (N) (2) of the Maharashtra Police Act the respondents have stated therein ample powers to effect mid-tenure transfer on any of the contingencies.

4. It is the contention of the applicant that none of the contingencies provided in Section 22 (N) (2) of the Maharashtra Police Act is present in the case. A statement is made in the O.A. (on P. 9) that the applicant is not relieved so far.

5. If the applicant is not relieved he shall not be relieved till the returnable date i.e. 14.07.2023.

6. Issue notice to Respondents, returnable on 14.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

8. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

11. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

12. **S.O. 14.07.2023.**

13. **Steno copy is granted.**

Member (J)

Date:-03/07/2023.

aps.

O.A.St.No.1471, 1472, 1473 & 1474/2023 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)

Dated :03/07/2023.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. In this batch of four O.As. order dated 30.06.2023 is impugned on the grounds that options were not called as per G.R. dated 09.04.2018 and Civil Services Board was not constituted as mandated by the provisions.

3. In support of this submissions the applicants have relied on judgement of Principal Bench of this Tribunal dated 23.07.2020 in O.A. No. 586/2019. In this Judgement it is held:-

"6. Needless to mention that, now the transfers are governed by the provisions of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005(hereinafter referred to as 'Transfer Act 2005' for brevity). Besides, the Government of Maharashtra has taken policy decision by issuance of G.R. dated 09.04.2018 whereby instructions are given to consider the options given by the employee. In terms of decision in Hon'ble Supreme Court in (2013) 15 SCC 732 (T.S.R. Subramanian and Ors. Vs. Union of India & Ors.), the transfers are required to be approved by CSB."

4. In reply, it is submitted by the ld. C.P.O. that all these applicants were due for transfer.

5. It is not disputed that these applicants were due for transfer but the fact remains that no options appear to have been called from them and Civil Services Board does not appear to have been constituted for the purpose. In this factual background case is made out to stay the effect and implementation of the impugned order dated 30.06.2023 to the extent of these four applicants till the returnable dated i.e. 17.07.2023. It is accordingly stayed.

6. Issue notice to Respondents, returnable on 17.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
11. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
12. **S.O. 17.07.2023.**
13. **Steno copy is granted.**

Date:-03/07/2023.
aps.

Member (J)

O.A.St.No.1476/2023 (S.B.)
Coram:ShriM.A.Lovekar, Member (J)
Dated :03/07/2023.

Heard ShriN.R.Saboo, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. In this O.A. the impugned order is dated 30.06.2023 (A-3). By this order the applicant is transferred from I.G.M.C., Nagpur to Government Medical College, Jalgaon. The order is impugned on the grounds that no options were called before effecting the transfer as required under G.R. dated 09.04.2018 and no Civil Services Board was constituted. There is no reference to either of these circumstances to negative aforesaid contention of the applicant.

3. The applicant asserts that he has not been relieved.

4. In reply it is submitted by ld. C.P.O. that the applicant was due for transfer.

5. Though, the applicant was due for transfer the fact remains that no options appear to have been called and no Civil Services Board appears to have been constituted.

6. In this factual background effect and implementation of the impugned order to the extent of the applicant is stayed till the returnable date i.e. 17.07.2023.

7. Issue notice to Respondents, returnable on 17.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

13. **S.O. 17.07.2023.**

14. **Steno copy is granted.**

Member (J)

Date:-03/07/2023.

aps.

O.A.St.No.1477/2023 (S.B.)
Coram:ShriM.A.Lovekar, Member (J)
Dated :03/07/2023.

Heard ShriN.R.Saboo, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. In this O.A. the impugned order is dated 30.06.2023 transferring the applicant from I.G.M.C., Nagpur to Cancer Hospital, Aurangabad.
3. The order is impugned on the grounds that no options were called before effecting the transfer as required under G.R. dated 09.04.2018 and no Civil Services Board was constituted. The impugned order does not reflect that these formalities were complied with.
4. The applicant asserts that he has not been relieved.
5. In reply it is submitted by ld. C.P.O. that the applicant was due for transfer.
6. Though, the applicant was due for transfer the fact remains that no options appear to have been called and no Civil Services Board appears to have been constituted.
7. In this factual background effect and implementation of the impugned order to the extent of the applicant is stayed till the returnable date i.e. 17.07.2023.
8. Issue notice to Respondents, returnable on 17.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.
9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
10. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
11. 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.

12. 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

13. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

14. **S.O. 17.07.2023.**

15. **Steno copy is granted.**

Member (J)

Date:-03/07/2023.

aps.

O.A.St.No.1478/2023 (S.B.)
Coram:ShriM.A.Lovekar, Member (J)
Dated :03/07/2023.

Heard ShriN.R.Saboo, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. In this O.A. the impugned order is dated 30.06.2023 (A-1). By this order the applicant is transferred from Government Medical College, Akola to Bhausahab Hire Government Medical College, Dhule.
3. The order is impugned on the grounds that no options were called before effecting the transfer as required under G.R. dated 09.04.2018 and no Civil Services Board was constituted. The impugned order does not reflect that these formalities were complied with.
4. The applicant asserts that he has not been relieved.
5. In reply it is submitted by ld. C.P.O. that the applicant was due for transfer.
6. Though, the applicant was due for transfer the fact remains that no options appear to have been called and no Civil Services Board appears to have been constituted.
7. In this factual background effect and implementation of the impugned order to the extent of the applicant is stayed till the returnable date i.e. 17.07.2023.
8. Issue notice to Respondents, returnable on 17.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.
9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
10. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
11. 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.

12. 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

13. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

14. **S.O. 17.07.2023.**

15. **Steno copy is granted.**

Member (J)

Date:-03/07/2023.

aps.

O.A.St.No.1479/2023 (S.B.)
Coram:ShriM.A.Lovekar, Member (J)
Dated :03/07/2023.

Heard ShriN.R.Saboo, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. In this O.A. the impugned order is dated 30.06.2023 (A-1). By this order the applicant is transferred from I.G.M.C., Nagpur to Government Medical College, Nandurbar.

3. The order is impugned on the grounds that no options were called before effecting the transfer as required under G.R. dated 09.04.2018 and no Civil Services Board was constituted. The impugned order does not reflect that these formalities were complied with.

4. The applicant asserts that he has not been relieved.

5. In reply it is submitted by ld. C.P.O. that the applicant was due for transfer.

6. Though, the applicant was due for transfer the fact remains that no options appear to have been called and no Civil Services Board appears to have been constituted.

7. In this factual background effect and implementation of the impugned order to the extent of the applicant is stayed till the returnable date i.e. 17.07.2023.

8. Issue notice to Respondents, returnable on 17.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

11. 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.

12. 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

13. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

14. **S.O. 17.07.2023.**

15. **Steno copy is granted.**

Member (J)

Date:-03/07/2023.

aps.

O.A.St.No.1475/2023 (S.B.)
Coram:ShriM.A.Lovekar, Member (J)
Dated :03/07/2023.

Heard ShriN.R.Saboo, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. In this O.A. the impugned order is dated 30.06.2023 (A-1). By this order the applicant is transferred from I.G.M.C., Nagpur to Shri VasantNaik, Government Medical College, Yavatmal.

3. The order is impugned on the grounds that no options were called before effecting the transfer as required under G.R. dated 09.04.2018 and no Civil Services Board was constituted. The impugned order does not reflect that these formalities were complied with.

4. The applicant asserts that he has not been relieved.

5. In reply it is submitted by ld. C.P.O. that the applicant was due for transfer.

6. Though, the applicant was due for transfer the fact remains that no options appear to have been called and no Civil Services Board appears to have been constituted.

7. In this factual background effect and implementation of the impugned order to the extent of the applicant is stayed till the returnable date i.e. 17.07.2023.

8. Issue notice to Respondents, returnable on 17.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

11. 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.

12. 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

13. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

14. **S.O. 17.07.2023.**

15. **Steno copy is granted.**

Member (J)

Date:-03/07/2023.

aps.

O.A.St.No.1480/2023 (S.B.)
Coram:ShriM.A.Lovekar, Member (J)
Dated :03/07/2023.

Heard ShriN.R.Saboo, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. In this O.A. the impugned order is dated 30.06.2023 (A-2). By this order the applicant is transferred from I.G.M.C., Nagpur to Government Medical College, Gondia.
3. The order is impugned on the grounds that no options were called before effecting the transfer as required under G.R. dated 09.04.2018 and no Civil Services Board was constituted. The impugned order does not reflect that these formalities were complied with.
4. The applicant asserts that he has not been relieved.
5. In reply it is submitted by ld. C.P.O. that the applicant was due for transfer.
6. Though, the applicant was due for transfer the fact remains that no options appear to have been called and no Civil Services Board appears to have been constituted.
7. In this factual background effect and implementation of the impugned order to the extent of the applicant is stayed till the returnable date i.e. 17.07.2023.
8. Issue notice to Respondents, returnable on 17.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.
9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
10. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
11. 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.

12. 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

13. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

14. **S.O. 17.07.2023.**

15. **Steno copy is granted.**

Member (J)

Date:-03/07/2023.

aps.

O.A.No.492/2022 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :03/07/2023.

Heard Shri S.P.Palshikar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. At the request of ld. Counsel for the applicant, **S.O. 04.07.2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.228/2016 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. Ld. Counsel for the applicant has placed on record circular dated 23.06.2023 (marked Exh. 'X'). Ld. Counsel for the respondent no. 3 submits that pursuant to this Circular he will take instruction and make a statement on the next date.

3. **S.O. 14.07.2023.**

Date:-03/07/2023.
aps.

Member (J)

O.A.Nos.543/2021,68/2022,575,576,843,844/

2019&542/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)

Dated :03/07/2023.

None for the applicant. Shri A.M.Khadatkar, ld. P.O. for the Respondents. Shri S.K.Jagirdar, ld. Counsel for the respondent no. 4 in O.A.No.68/2022. Ms. M.P.Munshi, ld. Counsel for the R-4 in O.A. No. 542/2021.

2. Ld. P.O. seeks time to file reply of respondents, **S.O. three weeks.**

Member (J)

Date:-03/07/2023.

aps.

O.A.No.1154/2021 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

None for the applicant. Shri V.A.Kulkarni, Id.
P.O. for the Respondents.

2. **S.O. three weeks.**

Date:-03/07/2023.
aps.

Member (J)

O.A.No.470/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

C.A.No.291/2023:-

None for the applicant. Shri V.A.Kulkarni, Id.
P.O. for the Respondents.

2. Perused application on record. **C.A. No. 291/2023 is allowed for the reasons stated therein.** Necessary amendment shall be carried out within two weeks from today.

3. **S.O. two weeks.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.558/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.624/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri P.S.Verma, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks to file reply as a last chance.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.1063/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Ms. A.S.Uikey, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks to file reply of Respondents 1 to 3 as a last chance.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.1223/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Ms. A.S.Uikey, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.1242/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri O.Y.Kashid, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents. C.F. applicant has not collected hamdast for R-2.

2. Ld. Counsel for the applicant states that the respondents are served and he has filed service affidavit.

3. At the request of ld. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.1243/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri A.Motlog, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.105/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri Y.P.Kaslikar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. Ld. Counsel for the applicant states that the respondents are served and he has filed service affidavit.

3. On oral request of ld. P.O., **S.O. four weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.163/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Smt. N.S.Pathan, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.142/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

None for the applicant. Shri A.M.Ghogre, ld.
P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.Nos.315,316&318/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri A.A.Potnis holding for Shri S.P.Palshikar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks to file reply.**

Date:-03/07/2023.
aps.

Member (J)

O.A.No.330/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri D.S.Sawarkar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.355/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri D.R.Rupnarayan, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents. Await service of R-2 & 3.

2. On oral request of ld. Counsel for the applicant, **S.O. next week.**

Member (J)

Date:-03/07/2023.
aps.

O.A.Nos.396&397/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri R.K.Meshram, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. Ld. Counsel for the applicant states that the respondents are served and he has filed service affidavit.

3. On oral request of ld. P.O., **S.O. four weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.461/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

C.A.No.280/2023:-

Heard Shri A.N.Rangari, ld. counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the Respondents and Shri A.D.Girdekar, ld. Counsel for the R-5.

2. In the C.A. following two principal prayers are made:-

"A. To issue directions to the respondent nos. 2, 3 & 4 not to relieve the respondent no. 5 from her posting at Gadchiroli.

B. To keep the post of Office Superintendent at Amravati vacant till the final disposal of the present original application."

3. Respondent no. 5 has placed on record copy of communication dated 03.07.2023. This communication shows that respondent no. 5 has been relieved on 30.06.2023 (B.N.) and she has joined on the transferred post today i.e. on 03.07.2023 (B.N.).

4. In view of these developments aforequoted prayers have become infructuous.

5. It is submitted by ld. Counsel for the applicant that the applicant has not so far joined on her transferred post and, therefore, prayer clause 'C' in the Civil Application i.e. to maintain status quo can

be considered. It is apparent that prayer clause 'C' cannot be granted because grant of said prayer would result in keeping respondent no. 5 in a suspended position since she has been already relieved.

6. Thus, so far as prayer clauses 'A' & 'B' are concerned the C.A. has become infructuous and prayer clause 'C' cannot be granted for the aforesaid reasons. The C.A. is accordingly dismissed.

7. On oral request of Id. P.O., **S.O. 17.07.2023 for filing reply as a last chance.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.476/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

None for the applicant. Shri A.M.Ghogre, ld.
P.O. for the Respondents. None for the R-3.

2. On oral request of ld. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.484/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 05.07.2023** to file reply.

Member (J)

Date:-03/07/2023.
aps.

O.A.No.495/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri A.P.Barahate, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.522/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

C.A.No.306/2023:-

Heard Shri S.A.Marathe, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. Ld. Counsel for the applicant states that the respondents are served and today he will file service affidavit. It is submitted that two posts at Mihirgaon and Dongargaon are still vacant and on either of these posts the applicant can be accommodated.

3. Ld. P.O. seeks time till 05.07.2023 to take instructions and make a statement.

4. **S.O. 05.07.2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.632/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri G.R.Hunge, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. Ld. P.O. seeks time to file reply.
3. **S.O. 17.07.2023.**
4. On the returnable date reply shall be filed positively.
5. **Steno copy is granted.**

Date:-03/07/2023.
aps.

Member (J)

O.A.No.205/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks to file reply.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.560/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri G.K.Bhusari, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. Ld. P.O. submits that to decide the representation of the applicant time of two more weeks would be required. Time to decide the representation of the applicant is extended till 20.07.2023.

3. S.O. 20.07.2023.

Member (J)

Date:-03/07/2023.
aps.

O.A.No.662/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Ms. Telang holding for Shri A.P.Tathod, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. By the impugned order the applicant is transferred from General Hospital, Nagpur to S.R.P.F., Group-IV, Nagpur. To challenge this order some grounds are raised in the O.A. including the fact that applicant had met with an accident. These points can be considered only after giving opportunity to the respondents to put forth their contentions.

3. Issue notice to Respondents, returnable on two weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. two weeks.**

Member (J)

Date:-03/07/2023.

aps.

O.A.No.656/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri M.Chandurkar, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. Issue notice to Respondents, returnable on 12.07.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed

three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. 12.07.2023.**

9. **Issue of interim relief is kept open.**

Member (J)

Date:-03/07/2023.

aps.

O.A.No.446/2021 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri S.P.Palshikar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 05.07.2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.228/2016 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri N.R.Saboo, ld. counsel for the applicant, Shri S.A.Sainis, ld. P.O. for the Respondents and Shri A.Y.Kapgate, ld. Counsel for the R-3.

2. Ld. Counsel for the applicant has placed on record Circular dated 23.06.2023 (marked Exh. 'X'). Ld. Counsel for the respondent no. 3 submits that pursuant to this Circular he will take instructions and make a statement on the next date.

3. **S.O. 14.07.2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.811/2016 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 11.07.2023.**

Date:-03/07/2023.
aps.

Member (J)

O.A.Nos.59&60/2017 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri N.R.Saboo, ld. counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the Respondents and Shri N.Majithia, ld. Counsel for the Respondent no. 5.

2. Ld. Counsel for the applicant has placed on record copy of Judgement dated 14.06.2023 in a batch of two O.As.. The Judgement is of Principal Bench of this Tribunal. It is submitted that this judgement covers the issue involved in this O.A.. Copy of Judgement is supplied to the other side.

3. **S.O. 14.07.2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.541/2017 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri A.Motlog holding for Shri R.V.Shiralkar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. next week.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.113/2019 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. two weeks.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.346/2019 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 11.07.2023.**

Date:-03/07/2023.
aps.

Member (J)

O.A.No.349/2019 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri A.Motlog holding for Shri S.P.Palshikar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. one week.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.205/2020 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri G.R.Sadar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 07.08.2023.**

Date:-03/07/2023.
aps.

Member (J)

O.A.No.583/2020 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Ms. V.Thakre holding for Shri S.S.Deshpande, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. two weeks.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.584/2020 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri A.Motlog holding for Shri A.C.Dharmadhikari, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents. None for the R-4.

2. On oral request of ld. Counsel for the applicant, **S.O. two weeks.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.789/2020 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri D.R.Rupnarayan, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks.**

Date:-03/07/2023.
aps.

Member (J)

O.A.No.864/2020 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri P.S.Patil, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks.**

Date:-03/07/2023.
aps.

Member (J)

O.A.No.231/2021 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri A.Motlog holding for Shri R.V.Shiralkar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 10.07.2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.476/2021 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri B.Kulkarni, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents. None for the R-3.

2. **Closed for orders.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.610/2021 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri A.Motlog holding for Shri R.V.Shiralkar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. two weeks.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.192/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

None for the applicant. Shri A.M.Khadatkar,
ld. P.O. for the Respondents. None for the R-5.

2. On oral request of ld. P.O., **S.O. four weeks.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.386/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri A.P.Sadavarte, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 10.07.2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.774/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri P.S.Kadam, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents. None for the R-4 & 5.

2. On oral request of ld. P.O., **S.O. 06.07.2023.**
3. **Put up this matter along with O.A. No. 697/2022.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.1152/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

None for the applicant. Shri A.M.Khadatkar,
ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.02/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri Y.P.Kaslikar holding for Shri P.A.Kadu, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks.**

Member (J)

Date:-03/07/2023.
aps.

O.A.No.134/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 18.07.2023.**

Date:-03/07/2023.
aps.

Member (J)

O.A.No.218/2023 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri P.S.Verma, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. Ld. Counsel for the applicant submits that this O.A. is clubbed with three other O.As. and all these four O.As. be kept on the same day. Numbers of these O.As. are 267, 268 & 218/2023.

3. **S.O. last week of July, 2023.**

Member (J)

Date:-03/07/2023.
aps.

O.A.Nos.455&456/2022 (S.B.)

Coram : Shri M.A.Lovekar, Member (J)
Dated : 03/07/2023.

Heard Shri N.R.Saboo, ld. counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the Respondents and Shri J.S.Mokadam, ld. Counsel for the R-3.

2. On oral request of ld. Counsel for the applicant, **S.O. 12.07.2023.**

Member (J)

Date:-03/07/2023.
aps.