

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH
AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - Court On Leave*

Date: -03/08/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	NEXT DATE
Urgent Admission Matters						
1	OAS1718/22	Latur	Adv.A.D. Gadekar (Dinkara R Bhosarikar) <u>Adv.Anilkumar B Dhongde For R.Nos. 3 & 4</u>	Major Punishment (Recovery)	With Office Objection	22.09.23
2	OA602/23	Nanded	Adv.C.R. Thorat (Datta S Kadam)	Major Punishment		03.10.23
3	OA611/23	Beed	Adv.C.R. Thorat (Syed Imran Ahmed S. Kalimullah)	Revision of Pay Scale/ Arrears		03.10.23
4	OA663/23	O'bad	Adv.Hemant Surve (Nitinchandra K Mandale)	Reversion		25.09.23
5	OA695/23	Dhule	Adv.Mahesh S Deshmukh (Shubhangi B Patil)	Selection Process	Circulation	10.08.23
6	OA696/23	A'nagar	Adv.Avinash S Deshmukh (Yuvraj S Pawar)	Cancellation of Appointmnet		05.09.23
7	OA697/23	A'nagar	Adv.Avinash S Deshmukh (Amit R Gaikwad)	Cancellation of Appointmnet		05.09.23
8	OAS1559/23	O'bad	Adv.Ajinkya A Reddy (Uuvraj S Bhosale)	Seniority	Circulation With Office Objection	

Order Matters						
9	MA198/20 In OAST667/20	Dhule	Adv.A.M. Hajare (Pratibha G Ahire)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 & R-2	03.10.23
10	MA269/22 In OA407/22	Jalna	Adv.P.S. Anerao (Vijaykumar S Waghmare)	M.A. For I.R.	For Hearing	04.10.23
11	MAST1274/22 In MA35/19 In OAST47/19	Latur	Adv.A.B. Chalak In MASt1274/22 (Rajendra P Ghanwat & Ors.) Adv.Vinod Joshi/Adv.K.B. Jadhav in MA35/19 in OAST47/19 (Balraj S Lanjile)	M.A. For Intervention	For Hearing With Office Objection	30.08.23
High On Board Matters						
12	OA587/16	Dhule	Adv.A.D. Gadekar (Vijaysing H Bagul)	Reversion	Part Heard Reply Filed by R-1 to R-3	29.09.23
13	OA537/19	J'gaon	Adv.Talekar & Associates (Narendra R Thakur)	Termination	For Expedited Hearing Reply Filed by R-1 to R-4	29.09.23
Due Admission Matters						
14	CP19/20 In OA704/17 with	A'bad	Adv.Jayant B Choudhary (Asman D Garje & Ors.)	Contempt Petition	Writ Pending Before Hon'ble High Court For Hearing Short Affidavit in Reply Filed by R-3	10.10.23

15	CP27/20 In OA749/17	A'bad	Adv.Jayant B Choudhary (Mohammad Abdul Hai Mohammad Abdul Gani & Ors)	Contempt Petition	Writ Pending Before Hon'ble High Court For Hearing Short Affidavit in Reply Filed by R-2	10.10.23
16	CP06/23 In OA467/21	A'nagar	Adv.J.S. Deshmukh (Dr. Mohan P Shinde)	Contempt Petition	For Hearing	21.08.23

17	OA906/16	J'gaon	Adv.A.G. Talhar (Dr. Atul R Ladwanjari & Ors.) <u>Adv.Hemraj P Shirsagar for R.No.4</u>	Advertisement	For Hearing Reply Filed by R-3 to R-5	03.08.23
18	OA4/19	A'nagar	Adv.A.N. Nagargoje/ Adv.A.S. Kulkarni (Govind P Gite)	Appointment	For Admission Reply Filed by R-3	01.09.23
19	OA109/19	A'bad	Adv.V.B. Wagh (Dr. Sonali B Sayamber)	Pay Scale/ Recovery	For Hearing Reply Filed by R-1 to R-5	10.10.23
20	OA685/19	N'bar	Adv.S.D. Joshi (Shivaji R Thakare)	Departmental Enquiry/ Recovery	For Hearing Reply Filed by R-3	31.08.23
21	OA192/21	A'bad	Adv Sunil B Kakade (Suresh B Lande)	Appiontment Selection	For Hearing Reply Filed By R-1 to 3	04.10.23
22	OA397/21	A'bad	Adv.Avinash S Deshmukh (Abhijeet M Bhise & Ors.)	Appointment/ Absorption	For Hearing Reply Filed by R-1 to R-3	09.10.23

23	OA161/22	O'bad	Adv.Kakasaheb B Jadhav (Bharat A Sawant)	Departmental Enquiry	For Hearing Reply Filed by R-2 to R-4	22.09.23
24	OA201/22	Beed	Adv.H.P. Jadhav (Dr.Raman S Dalvi)	Challenging Advertisement	For Hearing Reply Filed by R-2	05.10.23
25	OA202/22	Beed	Adv.H.P. Jadhav (Dr.Rohir R Zarkar)	Challenging Advertisement	For Hearing Reply Filed by R-2	05.10.23
26	OA203/22	Beed	Adv.H.P. Jadhav (Dr.Amol B Bansode)	Challenging Advertisement	For Hearing Reply Filed by R-2	05.10.23
27	OA691/22	A'nagar	Adv.Avinash S Deshmukh (Dr. Vasant M Garudkar) <u>Adv.J.P. Legal for R.No.3</u>	Appointment	For Hearing Reply Filed by R-1 to R-3	24.08.23

Final Hearing Matter						
28	OA496/17	Latur	Adv.Sandip S Chakurkar (Varsharani S Chavhan)	Termination	Reply file by R-1 & R- 2	09.10.23
29	OA246/20 With	A'nagar	Adv.S.R. Sapkal (Dattatraya M Devkate) <u>Adv.S.Y. Shinde for R.Nos.4 to 7</u>	Seniority List	Reply filed By R-4 to R-7	09.10.23
30	OA238/20 With	A'nagar	Adv.S.R. Sapkal (Balu S Sumbe) <u>Adv.S.Y. Shinde for R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-7	09.10.23

31	OA239/20 With	A'nagar	Adv.S.R. Sapkal (Rahul A Tarwade) <u>Adv.S.Y. Shinde for</u> <u>R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-7	09.10.23
32	OA242/20 with	Nashik Mumbai	Adv.S.R. Sapkal (Bahiruk Benke) <u>Adv.S.Y.Shinde for</u> <u>R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-3 & R-5 to R- 7	09.10.23
33	OA243/20 with	Nashik Mumbai	Adv.S.R. Sapkal (Somnath N Gadhave) <u>Adv.S.Y.Shinde for</u> <u>R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-3 & R-5 to R- 7	09.10.23
34	OA244/20 With	Nashik Mumbai	Adv.S.R. Sapkal (Sandeep S Kale) <u>Adv.S.Y.Shinde for</u> <u>R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-3, R-6 & R-7	09.10.23
35	OA245/20 with	Nashik Mumbai	Adv.S.R. Sapkal (Dnyaneshwar J Sonwane) <u>Adv.S.Y. Shinde For</u> <u>R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-7	09.10.23
36	OA248/20 with	Nashik Mumbai	Adv.S.R. Sapkal (Bhagwan K Govekar) <u>Adv.S.Y.Shinde for</u> <u>R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-7	09.10.23
37	OA249/20	Nashik Mumbai	Adv.S.R. Sapkal (Vivek V Nikam) <u>Adv.S.Y.Shinde for</u> <u>R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-7	09.10.23
38	OA499/20	A'bad	Adv.S.G. Magre (Dr.Gajanan P Tarpe)	Condonation of Technical Break		18.10.23

39	OA366/21	Hingoli	Adv.Avinash S Deshmukh (Narayansingh B Thakur)	Departmental Enquiry	Reply Filed by R-1 to R- 3	18.10.23
40	OA799/21	O'bad	Adv.Jiwan J Patil (Shirish R Yadav)	Departmental Enquiry	Reply Filed by R-1 & R- 2	31.08.23

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH
AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Divison Bench

Before: - Court On Leave

Date: -03/08/2023

for reply board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	NEXT DATE
Due Admission Matters						
1	OA705/22	Beed	Adv.M.S. Karad (Amol V Sanap & Ors.)	Selection Process	Await service of Notice For R-3 For Filing Affidavit in Reply of other Respondents	11.09.23
2	OA802/22	A'nagar	Adv.S.V. Natu/ Adv.R.A. Joshi (Dnyaneshwar S Andhale)	Challenging Recruitment Rules	For Filing Affidavit in Reply For R-1, R-3 & R-4	03.10.23
3	OA1151/22	Beed	Adv.R.A. Joshi (Samadhan J Gaikwad)	Appointment	Await service of Notice	03.10.23
4	OA87/23	Jalna	Adv.A.S. Deshpande (Milind S Ghorpade & Ors.)	Departmental Examination	Await Service	04.10.23

5	OA233/23	Beed	Adv.Sachin S Deshmukh (Bhagwat B Garje)	Termination/ Departmental Enquiry	For Reply	30.08.23
6	OA234/23	Latur	Adv.Sachin S Deshmukh (Navnath B Anwane)	Termination/ Departmental Enquiry	For Reply	30.08.23
7	OA235/23	Beed	Adv.Sachin S Deshmukh (Devendra T Jadhav)	Termination/ Departmental Enquiry	For Reply	30.08.23
8	OA331/23	J'gaon	Adv.C.V. Dharurkar/ Adv. Vinaya M Dharurkar (Vasudeo H Sonawane)	Departmental Enquiry	For Reply	05.10.23
9	OA332/23	O'bad	Adv.C.V. Dharurkar (Sanjay P Jadhav)	Departmental Enquiry	For Reply	05.10.23
10	OA507/23 with	A'bad	Adv.Sachin S Deshmukh (Mamta B Ghayal)	Selection Process (MPSC)	For Filing Affidavit in Reply	23.08.23
11	OA524/23	A'bad	Adv.S.B. Kakde (Suwarnamala S Bikkad)	Selection Process (MPSC)	For Filing Affidavit in Reply	23.08.23
Order Matters						
12	MA40/23 In TA21/22 WP10068/22	A'nagar	Adv.Adv.V.B. Wagh (Babasaheb G Borhade)	M.A. For Condonation of Delay	For Filing Affidavit in Reply For R-1 & R-2	24.08.23

13	MA240/23 In OASt826/23	A'bad	Adv.V.B. Wagh (Swamidas V Chobe)	M.A. For Condonation of Delay	Await Service	05.10.23
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Before: - Court On Leave*

Date: -03/08/2023

Suplimentary Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matter						
1	MA284/23 In OASt1141/23	Latur	Adv.Kiran Salunke (Chaya Vaijinath Bhosle)	M.A. For Condonation of Delay	Circulation	14.08.23

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH
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*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench
Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN*

Date: -03/08/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	NEXT DATE
Regular Admission Matters						
1	MA332/23 In OA592/23	A'bad	Adv.K.B. Jadhav (Preeti G Morellu & Ors.)	M.A. For Sue Jointly		14.09.23
2	MA337/23 In OASt1400/23	A'bad	Adv.V.N. Mundhe/ Adv.S.V. Salve (Kishor Suresh(Surchand) Nile & Ors.)	M.A. For Condonation of Delay		05.09.23

3	OA683/23	J'gaon	Adv.K.B. Jadhav (Sachin A Gade)	Suspension		22.08.23
4	OA698/23	A'bad	Adv.Avinash S Deshmukh (Suresh R Warade)	Transfer	Circulation	17.08.23
5	OA403/23	Dhule	Adv.S.D. Joshi (Nitin R Kapadnis) <u>Adv.N.N. Desale/Chetan Bhadane for R.No.2</u>	Transfer	For Order For Hearing Reply Filed by R-1 & R- 2	04.08.23
Order Matters						
6	MA71/18 In OAS103/18	O'bad	Adv.M.B. Kolpe (Khanderao D Musande)	M.A. For Condonation of Delay	Reply Filed by R-1	15.09.23
7	MA100/18 In OAS1398/18	O'bad	Adv.M.B. Kolpe (Vitahal D Savalsure)	M.A. For Condonation of Delay	Reply Filed by R-1	15.09.23
8	MA71/20 In OAS12465/19	A'nagar	Adv.D.R. Jayabhar (Sujata R Puri)	M.A. For Condonation of delay	For Hearing Reply Filed by R-1 to R- 3	15.09.23
9	MA464/22 In OAS1803/22	P'bhani	Adv.Suchita Dhongde Adv.Suchita Dhongde has Filed Leave Note On 03.08.2023 (Sunil T Kandere)	M.A. For Condonation of Delay	For Admission Reply Filed by R-1 to R- 3	18.09.23
10	MA331/23 In OA532/07	Nanded	Adv.MS A.N. Ansari (Amir Khan Ibrahim Khan)	M.A. to Bring LR's on record with prayer of delay & Setting aside abatement		13.09.23

11	MA347/23 In OA437/23	A'nagar	Adv.Poonam Bodke Patil (Dr. Prakash G Kamble)	M.A. For Amendment		07.08.23
Due Admission Matters						
12	OA508/17	P'bhani	Adv.A.N. Ansari (Syed Azam Syed Lal)	Pensionery Benefits	For Hearing Reply Filed by R-1 to R- 3	13.09.23
13	OA487/20	P'bhani	Adv.Shirish M Kamble (Usha R Bahirat)	Police Patil		13.09.23
14	OA263/21	Hingoli	Adv.S.B. Solanke (Dattatraya S Haral)	Minor Punishment	For Hearing	14.09.23
15	OA630/21	Beed	Adv.K.B. Jadhav (Babsaheb H Dahifale)	Recovery	For Hearing Reply Filed by R-1 to R- 4	31.08.23
16	OA228/22	J'gaon	Adv.M.B. Kolpe (Dr.Saurabh P Kulkarni)	Suspension	For Hearing Reply Filed by R-1 to R- 5	15.09.23
17	OA427/22	O'bad	Adv.M.B. Kolpe (Vijay M Kamble)	Date of Birth/ Retirement	Reply Filed by R-1 & R- 2	15.09.23
18	OA584/22	Nanded	Adv.A.S. Deshmukh (Balaji T Kedare)	Minor Punishment	For Hearing Reply Filed by R-1 to R- 3	20.09.23
19	OA744/22	A'bad	Adv.Neha B Kamble (Kapil V Chavhan & Ors.)	Compassionate Appointment (Lad Page Samiti)	For Hearing Reply Filed by R-2	20.09.23
20	OA856/22	A'nagar	Adv.N.B. Narwade (Chandrakant V Sadakal)	Minor Punishment	For Hearing Reply Filed by R-1 to R- 4	20.09.23

21	OA937/22	Nanded	Adv.J.B. Chouhdary (Bharat S Khandaray)	REgularisation of Suspension Period	For Hearing	21.09.23
22	OA1112/22 With Caveat40/22	A'bad	Adv.A.S. Deshmukh (Mohammad Raza Khan) <u>Adv.CPO, MAT A'bad For Caveator i.e. The State of Maharashtra Through Additional Chief Secretary, Urban Development Dept. Adv.M.B. Bharaswadkar for R.No.3</u>	Transfer	For Hearing Reply Filed by R-1 to R-3	17.08.23
23	OA76/23	Hingoli	Adv.V.G. Pingle (Pankaj D Soundankar)	Compassionate Appointment	For Hearing Reply Filed by R-2	20.09.23
24	OA494/23	Jalna	Adv.P.R. Wankhade (Savita N Shalgar @ Savita S Katare)	Relieve	For Hearing Reply Filed by R-1, R-3 & R-4	
Final Hearing Matters						
25	OA264/19	J'gaon	Adv.B.R. Kedar (Supadu V Bhalerao)	Benefits of Time Bound Promotion	Reply Filed by R-1 to R-3	20.09.23
26	OA691/19	Dhule	Adv.A.N. Gaddime (Rajendra B Potdar)	Posting	Reply Filed by R-1 to R-6	20.09.23
27	OA97/20	A'bad	Adv.M.R. Andhale (Tukaram V Sanap)	Regularisation of Suspension Period/ Pensionery Benefits	Reply Filed by R-2 & R-3	20.09.23
28	OA107/21	A'bad	Adv.J.B. Choudhary (Sukhdeo T Shinde)	Time Bound Pormotion/ ACPS	Reply Filed by R-2 to R-4	21.09.23
29	OA558/21	Beed	Adv.Avinash S Deshmukh (Prakash S Aghav Patil)	Transfer	Reply Filed by R-1 to R-3	17.08.23

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Date: -03/08/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	NEXT DATE
Due Admission Matters						
1	OA330/22	O'bad	Adv.Ganesh G Kore (Datta B Nannaware & Ors.)	Regularization/ Directions	Reply Filed By R-2 & R-3 & For Filing Affidavit in Reply	25.08.23
2	OA332/22	A'bad	Adv S N Pagare (Rohit B Salve)	Compassionate Appointment	Reply Filed By R-1 R-2 & R-4 & For Filing Affidavit in Rejoinder	20.09.23
3	OA370/22	O'bad	Adv Nilesh J Patil (Raosaheb S Kshirsagar)	Increment/ Back Wages & Other Benetis	For Filing Affidavit in Reply	07.09.23
4	OA636/22	Jalna	Adv A N Patil Barhate (Kavita S Khokhale)	Directions/ Compassionate Appointment	Reply Filed By R-1 to R 4 & For Filing Affidavit in Rejoinder	07.09.23
5	OA866/22	Hingoli	Adv V G Pingle (Tukaram H Jadhav)	Benefit of T.B.P/A.C.P.S	Reply Filed By R-2 & R-3 For Filing Affidavit in Rejoinder	07.09.23

6	OA1063/22	Dhule	Adv V B Wagh (Dr. Rahul S Hatolkar)	Recovery	By Way of Last Chance For Filing Affidavit in Reply	12.09.23
7	OA1094/22	Nanded	Adv D K Dagadkhair (Madhav B Wangaje)	Transfer/Posting	Await Service R.Nos.8,11, 12,14,17,18	24.08.23
8	OA1095/22	Nanded	Adv D K Dagadkhair (Tukaram S Pohare)	Transfer/Posting	Await Service R.Nos.8,11, 12,14,17,18	24.08.23
9	OA1155/22	A'nagar	Adv L V Sangit Adv Mrs. M L Sangit (Sagar A Zinzurde)	Compassionate Appointment	For Filing Affidavit in Reply	07.09.23
10	OA149/23	A'bad	Adv D K Dagadkhair (Vijay R Thorat)	Family Pension	For Reply	15.09.23
11	OA334/23	Jalgaon	Adv D B Thoke (Ramsing H Sulane)	Suspension	Await Service	31.08.23
12	OA406/23	Jalna	Adv Mukund R Kulkarni (Narayan D Napte)	Transfer	For Reply	18.08.23
13	OA439/23	P'rbn	Adv Poonam B Patil (Vidyasagar R Patil) <u>Adv Ganesh V Mohekar For R-5</u>	Transfer	For Filing Affidavit in Reply	07.08.23

14	OA440/23	Beed	Adv Poonam B Patil (Natharao N Phad)	Transfer	Await Service	07.08.23
15	OA442/23	Jalna	Adv Poonam B Patil (Sudhakar G Latpate)	Transfer	For Filing Affidavit in Reply	07.08.23
16	OA443/23	Nanded	Adv Poonam B Patil (Sanjay K Kasralikar)	Transfer	For Filing Affidavit in Reply	07.08.23
17	OA483/23	A'bad	Adv P M Nagargoje (Venkat M Kendre)	Transfer	Reply Filed By R-2 & R-4 & For Filing Affidavit in Rejoinder	10.08.23
18	OA504/23	Nanded	Adv A D Sugdare (Avinash S Panpatte)	Transfer	For Reply	08.09.23
19	OA530/23	A'bad	Adv K B Jadhav (Manjusha M Mutha)	Transfer	For Reply	11.08.23
20	OA546/23	Hingoli	Adv S S Randive (Kamaji M Thombare)	Suspension/ Re-instatement	Notice Not Collected	31.08.23
21	OA588/23	Latur	Adv R T Deshmukh/ Kiran G Salunke (Dr.Laxman S Deshmukh) <u>Adv Ashish B Rajkar For R-4</u> <u>Adv Avinash S Deshmukh For R-5</u>	Transfer	Reply Filed By R-1 & For Filing Affidavit in Reply R-2, R-3, R-4 & R-5	10.08.23

22	OA591/23	A'nagar	Adv P B Umrani (Sanjay P Shinde)	Transfer	Notice Not Collected	25.08.23
Order Matters						
23	MA50/23 In OASSt3100/23	A'nagar	Adv A G Ambetkar (Dattatray G Shelke)	M A For Condonation of Delay	Reply Filed By R-1 to R-3 & For Reply	06.09.23
24	MA51/23 In OASSt3101/23	A'nagar	Adv A G Ambetkar (Arun D Landge)	M A For Condonation of Delay	Reply Filed By R-1 to R-3 & For Reply	06.09.23
25	MA57/23 In OASSt197/23	A'nagar	Adv A G Ambetkar (Markas U Magar)	M A For Condonation of Delay	For Reply	06.09.23
26	MA101/23 In OASSt195/23	A'nagar	Adv A G Ambetkar (Shridhar L Lawande)	M A For Condonation of Delay	For Reply	06.09.23
27	MA102/23 In OASSt358/23	A'nagar	Adv A G Ambetkar (Vilas S Makasare)	M A For Condonation of Delay	For Reply	06.09.23
28	MA272/23 In OASSt1086/23	Dhule	Adv J B Choudhary (Ajaykumar S Patil)	M A For Condonation of Delay	For Reply	20.09.23

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Date: -03/08/2023

Suplimentary Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	NEXT DATE
Speaking to Mintues						

1	OA674/23	Latur	Adv.S.L. Bhapkar (Vitthal H Awale)	Recovery/ Refund of Recovered Amount	Circulation	13.09.23

ORIGINAL APPLICATION NO.149/2023
(Vijay Ramchandra Thorat Vs. The State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03-08-2023

ORAL ORDER :

Shri D.K.Dagadkhair, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent no.2. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 15-09-2023 for filing affidavit in reply of other respondents and for filing rejoinder.

YUK ORAL ORDER 03.08.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO.630/2021
(Babasaheb H. Dahifale Vs. The State of Maharashtra &
Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03-08-2023

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 31-08-2023 for hearing. Interim relief granted earlier to continue till then.

YUK ORAL ORDER 03.08.2023

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 695 OF 2023
(Shubhangi B. Patil Vs. State of Maharashtra &Ors.)**

CORAM : **Hon'bleShri Justice P.R. Bora,
Vice Chairman**

[The present matter is placed before the Single
Bench due to non-availability of Division
Bench]

DATE : **03.08.2023**

ORAL ORDER :

Heard Shri Mahesh S. Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 10.08.2023.

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.

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 10.08.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 696 OF 2023
(Yuvraj S. Pawar Vs. State of Maharashtra &Ors.)**

CORAM : **Hon'bleShri Justice P.R. Bora,
Vice Chairman**

[The present matter is placed before the Single
Bench due to non-availability of Division
Bench]

DATE : **03.08.2023**

ORAL ORDER :

Heard ShriAvinash S. Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 05.09.2023.

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.

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 05.09.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 697 OF 2023
(AmitRajuGaikwad Vs. State of Maharashtra &Ors.)**

CORAM : **Hon'bleShri Justice P.R. Bora,
Vice Chairman**

[The present matter is placed before the Single
Bench due to non-availability of Division
Bench]

DATE : **03.08.2023**

ORAL ORDER :

Heard ShriAvinash S. Deshmukh, learned counsel for the applicant and ShriD.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 05.09.2023.

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.

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 05.09.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION ST.NO.559 OF 2023
(Yuvraj S. Bhosale Vs. State of Maharashtra &Ors.)**

CORAM : **Hon'bleShri Justice P.R. Bora,
Vice Chairman**

[The present matter is placed before the
Single Bench due to non-availability of
Division Bench]

DATE : **03.08.2023**

ORAL ORDER :

ShriVishnu Kande, learned counsel holding for ShriAjinkya Reddy, learned counsel for the applicant and ShriD.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. The present matter be removed from the board.

VICE CHAIRMAN

ORAL ORDER 03.08.2023-HDD

C.P.NO. 06/2023 IN O.A.NO. 467/2021
(Dr. Mohan PopatShinde Vs. State of Maharashtra &Ors.)

CORAM : Hon'bleShri Justice P.R. Bora,
Vice Chairman

[The present matter is placed before the Single
Bench due to non-availability of Division Bench]

DATE : 03.08.2023

ORAL ORDER :

ShriJ.S. Deshmukh, learned counsel for the applicant and ShriV.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21.08.2023.

VICE CHAIRMAN

ORAL ORDER 03.08.2023-HDD

**ORIGINAL APPLICATION NO.685 OF 2019
(Shivaji R. Thakare Vs. State of Maharashtra &Ors.)**

**CORAM : Hon'bleShri Justice P.R. Bora,
Vice Chairman**

[The present matter is placed before the Single
Bench due to non-availability of Division Bench]

DATE : 03.08.2023

ORAL ORDER :

ShriS.D. Joshi, learned counsel for the applicant and ShriB.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 31.8.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 03.08.2023-HDD

**ORIGINAL APPLICATION NO.799 OF 2021
(Shirish R. Yadav Vs. State of Maharashtra &Ors.)**

**CORAM : Hon'bleShri Justice P.R. Bora,
Vice Chairman**

[The present matter is placed before the Single
Bench due to non-availability of Division Bench]

DATE : 03.08.2023

ORAL ORDER :

ShriJiwan J. Patil, learned counsel for the applicant and ShriB.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 31.8.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 03.08.2023-HDD

CHAMBER APPEAL NO.12 OF 2023
(Khulsinh R. PardesiVs. State of Maharashtra &Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 03.08.2023

ORAL ORDER :

Heard ShriP.P.More, learned Advocate for the applicant.

2. Vide order dated 11.07.2023 the Registrar of this Tribunal was pleased to refuse the registration under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 24.05.2023 the office has raised the following office objections in Miscellaneous Application & Review Application:-

Objection in Miscellaneous Application

1) Applicant is not made party in O.A.

Objection in Review Application

1) Review Applicant is not party in O.A.;

2) Applicant's contact details not mentioned;
and

3) Per page documents are not attested as T.C.

3. Vide office note dated 05.07.2023 Registrar of this Tribunal at Aurangabad Bench noted that nobody appeared for the applicant and office objections are not removed.

4. The learned Advocate for the applicant appeared today. He undertakes to remove the office objections within reasonable period.

:: - 2 - :: CHAMBER APPEAL NO. 12 OF 2023

5. Technically, the Registrar was right in refusing the registration of M.A. & Rev. Application since nobody appeared for the applicant in view of the objections in spite of repeated chances. The fact that the M.A. is filed seeking condonation of delay occurred in filing Rev. Application and Rev. Application is filed praying to set aside the order dated 29.3.2023 passed by this Tribunal in O.A. No. 222/2023 or in the alternative, to stay the effect and operation of the said order and in order to give an opportunity to him to prove his claim on merits, it will be in the interest of justice to allow the appeal as the applicant shall not suffer for the negligence of his Advocate. Hence, the following order:-

ORDER

(i) Chamber Appeal No. 12/2023 is allowed as the applicant undertakes to remove the office objections within a reasonable period.

(ii) Registrar of this Tribunal Bench at Aurangabad is directed to register the Misc. Application & Rev. Application after removing the office objections by the learned Advocate for the applicant and place the same before the appropriate bench for hearing.

VICE CHAIRMAN

CHAMBER APPEAL NO.13 OF 2023
(Smt. Hasinabee Lalbesah Hipparage Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 03.08.2023

ORAL ORDER :

Heard Ms. Priyanka Deshpande, learned Advocate for the applicant.

2. Vide order dated 12.07.2023 the Registrar of this Tribunal was pleased to refuse the registration under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 26.04.2023 the office has raised the following office objections:-

- 1) Page number 78 not properly filed;
- 2) In view of order passed by Hon'ble Supreme Court dated 29.3.2019 in SLP (Civil) No. 7236/2019 and pendency of Rev. Petition St. No. 13508/2019 before Hon'ble Bombay High Court, present O.A. is not maintainable; and
- 3) Prayer clause 'B' not properly worded.

3. Vide office note dated 06.07.2023 Registrar of this Tribunal at Aurangabad Bench noted that nobody appeared for the applicant and office objections are not removed.

4. The learned Advocate for the applicant appeared today. He undertakes to remove the office objections within reasonable period.

5. Technically, the Registrar was right in refusing the registration since nobody appeared for the applicant in view of the objections in spite of repeated chances. The fact that the O.A. is filed seeking appointment and in order to give an opportunity to her to prove her claim on merits, it will be in the interest of justice to allow the appeal as the applicant shall not suffer for the negligence of her Advocate. Hence, the following order:-

ORDER

(i) Chamber Appeal No. 13/2023 is allowed as the applicant undertakes to remove the office objections within a reasonable period.

(ii) Registrar of this Tribunal Bench at Aurangabad is directed to register the O.A. after removing the office objections by the learned Advocate for the applicant and place the same before the appropriate bench for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 674 OF 2023
(Vithal H. Awale Vs. the state of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER

Heard Shri S.L. Bhapkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. The present matter is not on board. At the request of learned counsel for the applicant it is taken on board. This motion is moved for speaking to minutes. Learned counsel appearing for the applicant pointed out that in the order passed on 02.08.2023 in the present matter in line no.2 of paragraph no. 2 the retirement date has been inadvertently mentioned as '31.05.2020', whereas it should be 31.05.2022. Learned counsel further pointed out that similarly in paragraph no.4 of the said order in 5th line thereof the word 'around two years' may not be required and deserves to be deleted and the date which is mentioned as '31.05.2020' requires to be substituted with the date as 31.05.2022. The motion deserves to be considered. Accordingly the necessary correction be carried out and corrected copy of order be immediately issued to all the concerned.

3. S.O. to 13.09.2023.

VICE CHAIRMAN

M.A.NO. 337/2023 IN O.A.ST.NO. 1400/2023
(Kishor Suresh (Surchand) Nile & Anr. Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 03.08.2023

ORAL ORDER

Shri S.V. Salve, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel appearing for the applicants, S.O. to 05.09.2023.

VICE CHAIRMAN

SAS ORAL ORDER 03.08.2023

ORIGINAL APPLICATION NO. 683 OF 2023
(Sachin Ashok Gade Vs. The State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 22.08.2023.

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.

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 22.08.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 588 OF 2023

(Dr. Laxman Sarjerao Deshmukh Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 03.08.2023

ORAL ORDER

Shri K.G. Salunke, learned counsel for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, Shri A.B. Rajkar, learned counsel for the respondent No.4 and Shri A.S. Deshmukh, learned counsel for the respondent No.5, are present.

2. Learned counsel appearing for respondent No.5 seeks time to file affidavit in reply by the said respondent. Time granted till 10.08.2023. Learned counsel appearing for respondent No.4 submits that during course of the day the reply on behalf of the said respondent will be submitted and copy will be served to all concerned.

3. S.O. to 10.08.2023

VICE CHAIRMAN

M.A.NO. 284/2023 IN O.A.ST.NO. 1141/2023
(Chayya Vaijinath Bhosale Vs. the state of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 03.08.2023

ORAL ORDER

Heard Shri K.G. Salunke, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. This matter is not on board. At the request of learned counsel for the applicant it is taken on board. Learned counsel for the applicant submits that in the present matter inadvertently the respondent No.3 has been incorrectly mentioned as Superintendent of Police, Latur, in fact it should be Superintendent of Police, Osmanabad. He has therefore sought leave to correct the said description. Leave granted as prayed for. Necessary correction be carried out forthwith. Notices are already issued to the respondents. Fresh notice be issued in the corrected name of respondent No.3 keeping the returnable date same as which was directed.

3. In view of above, issue fresh notice to respondent No.3 in M.A., returnable on 14.08.2023.

//2// M.A. 284/2023 in
O.A.St. 1141/2023

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

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

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

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

8. S.O. to 14.08.2023.

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

VICE CHAIRMAN

M.A.NO. 332 OF 2023 IN O.A.NO. 592 OF 2023
(Preeti Gokul Morellu & Anr. Vs. The State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

3. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

SAS ORAL ORDER 03.08.2023

ORIGINAL APPLICATION NO. 592 OF 2023

(Preeti Gokul Morellu & Anr. Vs. The State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 03.08.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 14.09.2023.

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

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

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

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

7. S.O. to 14.09.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 530 OF 2023
(Manjusha Malaiyaa Mutha Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 03.08.2023

ORAL ORDER

Shri K.B. Jadhav, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought time to file affidavit in reply. Time granted till 11.08.2023.
3. S.O. to 11.08.2023.

VICE CHAIRMAN

SAS ORAL ORDER 03.08.2023

M.A.NO. 50/2023 IN O.A.ST.NO. 3100/2023
(Dattatray G. Shelke Vs. the state of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER

Shri K.D. Pote, learned counsel holding for
Shri A.G. Ambetkar, learned counsel for the
applicant and Shri M.S. Patni, learned Presenting
Officer for the respondent authorities, are present.

2. S.O. to 06.09.2023.

VICE CHAIRMAN

SAS ORAL ORDER 03.08.2023

M.A.NO. 51/2023 IN O.A.ST.NO. 3101/2023
(Arun D. Landge Vs. the state of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER

Shri K.D. Pote, learned counsel holding for
Shri A.G. Ambetkar, learned counsel for the
applicant and Shri I.S. Thorat, learned Presenting
Officer for the respondent authorities, are present.

2. S.O. to 06.09.2023.

VICE CHAIRMAN

SAS ORAL ORDER 03.08.2023

M.A.NO. 57/2023 IN O.A.ST.NO. 197/2023
(Markas U. Magar Vs. the state of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER

Shri K.D. Pote, learned counsel holding for Shri A.G. Ambetkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought time to file affidavit in reply on behalf of the respondents. The request is opposed by the learned counsel appearing for the applicant. However, in the interest of justice last chance granted for filing affidavit in reply till 06.09.2023. If the reply is not filed on or before the said date, the matter will be heard without reply of the respondents.

3. S.O. to 06.09.2023.

VICE CHAIRMAN

SAS ORAL ORDER 03.08.2023

M.A.NO. 101/2023 IN O.A.ST.NO. 195/2023
(Shridhar L. Lawande Vs. the state of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER

Shri K.D. Pote, learned counsel holding for Shri A.G. Ambetkar, learned counsel for the applicant and Shri M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought time to file affidavit in reply on behalf of the respondents. The request is opposed by the learned counsel appearing for the applicant. However, in the interest of justice last chance granted for filing affidavit in reply till 06.09.2023. If the reply is not filed on or before the said date, the matter will be heard without reply of the respondents.

3. S.O. to 06.09.2023.

VICE CHAIRMAN

SAS ORAL ORDER 03.08.2023

M.A.NO. 102/2023 IN O.A.ST.NO. 358/2023
(Vilas S. Makasare Vs. the state of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER

Shri K.D. Pote, learned counsel holding for Shri A.G. Ambetkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought time to file affidavit in reply on behalf of the respondents. The request is opposed by the learned counsel appearing for the applicant. However, in the interest of justice last chance granted for filing affidavit in reply till 06.09.2023. If the reply is not filed on or before the said date, the matter will be heard without reply of the respondents.

3. S.O. to 06.09.2023.

VICE CHAIRMAN

SAS ORAL ORDER 03.08.2023

ORIGINAL APPLICATION NO. 263 OF 2021
(Dattatray S. Haral Vs. the state of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER

Shri S.B. Solanke, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel appearing for the applicant, S.O. to 14.09.2023 for hearing.

VICE CHAIRMAN

SAS ORAL ORDER 03.08.2023

ORIGINAL APPLICATION NO. 1063 OF 2022

(Dr. Rahul Shrinivas Hatolkar Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 03.08.2023

ORAL ORDER

Shri V.B. Wagh, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. In the present matter due opportunities are already availed by the respondents. However, even today the reply has not been filed. List the matter for hearing on 12.09.2023. If the respondents file the reply by that time it would be taken on record or else the O.A. will be heard and decided without reply of the respondents.

3. S.O. to 12.09.2023 for hearing.

VICE CHAIRMAN

SAS ORAL ORDER 03.08.2023

ORIGINAL APPLICATION NO. 406 OF 2023
(Narayan Devrao Napte Vs. the state of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER

Ms. Rutuja Kulkarni, learned counsel holding for Shri M.R. Kulkarni, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., last chance granted for filing affidavit in reply on behalf of the respondents.

3. S.O. to 18.08.2023.

VICE CHAIRMAN

SAS ORAL ORDER 03.08.2023

ORIGINAL APPLICATION NO. 591 OF 2023
(Sanjay Pandurang Shinde Vs. The State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER :

Heard Shri P.B. Umrani, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicant, re-issue notices to the respondents, returnable on 25.08.2023.

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.

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 25.08.2023.

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

VICE CHAIRMAN

DATE :03.08.2023

ORIGINAL APPLICATION NO. 706 OF 2023

(Kishan Irbaji Waghmare V/s The State of Maharashtra & Ors.)

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

1. Shri S.B. Solanke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 28.08.2023. The case be listed for admission hearing on **28.08.2023**.
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

ORIGINAL APPLICATION ST. NO. 1718 OF 2022
(Dinkar R. Bhosarikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

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

DATE : 03.08.2023

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondent authorities. Shri A.B. Dhongde, learned counsel for respondent Nos. 3 & 4, **absent**.

2. The office has raised the objection as about territorial jurisdiction. According to the office objection, since the applicant retired at Solapur, the present Original Applicant may not lie within the jurisdiction of this Tribunal.

3. Learned counsel for the applicant submitted that after his retirement, the applicant is settled at Latur and is residing there from the year 2014. Learned counsel submitted that all subsequent correspondence, which has given the cause of action to the applicant for filing present Original Application has been made by the respondents at his address in Latur. Learned counsel submitted that in such circumstances, the applicant can very well approach this Tribunal.

4. In view of the submissions made, the office objection cannot be sustained and it is overruled.

//2//

O.A. St. 1718/2022

5. Issue notices to the respondents, returnable on 22.09.2023.

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

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

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

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

10. S.O. to 22.09.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 663 OF 2023

(Nitinchandra K. Mandale Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Shri Justice P.R. Bora,**
Vice Chairman

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

DATE : **03.08.2023**

ORAL ORDER :

Heard Shri Hemant Surve, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities.

2. Issue notices to the respondents, returnable on 25.09.2023.

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.

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 25.09.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 611 OF 2023
(Sayed Imran Ahmed S. Kalimullah Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

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

DATE : 03.08.2023

ORAL ORDER :

Shri C.R. Thorat, learned counsel for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for respondent authorities, is present.

2. As none present for the applicant, S.O. to 03.10.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 602 OF 2023
(Datta S. Kadam Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

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

DATE : 03.08.2023

ORAL ORDER :

Shri C.R. Thorat, learned counsel for the
applicant (**Absent**). Shri I.S. Thorat, learned
Presenting Officer for respondent authorities, is
present.

2. As none present for the applicant, S.O. to
03.10.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 698 OF 2023
(Suresh Ranubhau Warade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 03.08.2023

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent authorities.

2. The applicant is officer falling in Group-A category and was promoted to the post of Assistant Commissioner vide order dated 27.04.2022 and posted at District Skill Development, Employment and Entrepreneurship Guidance Centre, Aurangabad. The ordinary tenure of the applicant to remain on the said post is of 3 years. He has however, been transferred vide order dated 01.08.2023 from Aurangabad to Sindhudurg on the vacant post. The aforesaid order has been challenged by the applicant in the present Original Application.

3. Learned counsel for the applicant submitted that before giving posting to the applicant on the promotional post of Assistant Commissioner, Skill Development, he was required to give his option for

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the Division. Accordingly, the applicant on 07.01.2022 has submitted option in writing for Aurangabad Revenue Division. Thereafter, he was posted at Aurangabad.

4. Learned counsel submitted that when the applicant was having ordinary tenure of 3 years to remain on the present post at Aurangabad, he has been abruptly transferred vide impugned order that too at the faraway district of Sindhudurg. Learned counsel submitted that in the order of transfer nothing has been disclosed as to on what ground or for what reasons the applicant has been shifted from Aurangabad in mid-term and mid-tenure. Learned counsel further invited my attention to the Notification dated 14.07.2021, whereby Rules called as Maharashtra Government Allotment of Revenue Division for Appointment by Nomination and Promotion to the post of Group-A and Group-B (Gazetted and Non-Gazetted) Rules, 2021 are notified and more particularly Rule 8 and Rule 15 thereof. Rule 8 provides that the officers in Group-A and Group-B appointed either by direct recruitment or by promotion shall complete the tenure of 3 years

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in the concerned allotted Revenue Division. Rule 15 envisages strict compliance by the concerned authorities of the aforesaid Rules of 21.

5. Learned counsel submitted that having regard to the rules as aforesaid, it was open for the respondents to transfer the applicant at any other place in the Aurangabad Revenue Division, if at all for certain reasons they were not willing to retain the applicant at Aurangabad. Learned counsel submitted that daughter of the applicant who is 18 years old is suffering from Cerebral palsy and is under treatment at Aurangabad. Learned counsel submitted that her treatment will be discontinued and may have adverse affect on her, if the applicant mid-term transferred that too at faraway distance at Sindhudurg. Learned counsel submitted that the applicant has not yet been relieved from his existing post and no other officer yet been appointed in his place. Learned counsel in the circumstances has prayed for temporarily staying the effect and operation of the impugned order of transfer at least till the affidavit in reply is filed by the respondents.

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6. Learned Presenting Officer has sought time to seek instructions in the matter. Learned P.O. submitted that without authentic instructions in the matter, it may not be possible for him to make any submission on the correctness of the facts stated by the applicant in his Original Application. Learned P.O., however, opposed for grant of interim relief as has been sought by the applicant. Learned P.O. submitted that when from the impugned order it is quite evident that the applicant has been transferred invoking provisions under Section 4(4) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "the Transfer Act 2005"), unless the reasons are brought on record by the respondents, it may be unjust to pass any order even any interim order in favour of the applicant. Learned P.O. submitted that within two weeks, affidavit in reply will be filed and will be placed on record with all the relevant documents.

7. I have duly considered the submissions made on behalf of the applicant, as well as, respondent authorities. I have also perused the documents

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filed on record. It is not in dispute that the applicant has not completed his ordinary tenure on the existing post. It is thus evident that he has been transferred mid-term and mid-tenure. The respondents seem to have invoked the powers under Section 4(4) and 4(5) of the Transfer Act, 2005. In the order of transfer it is not expected to record the elaborate reasons. Such reasons can be brought on record and brought to the notice of the Tribunal from the contemporary record. In the present matter however having regard to the fact that no one has been yet posted in place of the applicant and he has not yet been relieved and further that he has been transferred out of Aurangabad Division, *prima-facie* case is made out by the applicant for temporarily protecting his interest till the affidavit in reply is filed by the respondents. No grave prejudice is likely to be caused to the respondents, if the respondents are directed to allow the applicant to discharge his duties on the existing post. It is clarified that if it is the case of the respondents that it will be prejudicial to the interest of the respondents to continue the applicant on the present post, it would be open for the respondents

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to come out with the case accordingly which can be considered by this Tribunal. In the circumstances, I deem it appropriate to pass the following order :-

ORDER

(i) Issue notices to the respondents, returnable on 17.08.2023, **till then the respondents shall temporarily allow the applicant to discharge his duties on the existing post. It would be open for the respondents to move the matter even on earlier date, if such contingency is there as observed in the body of the order above.**

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

(iii) 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.

(iv) 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.

(v) 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.

(vi) S.O. to 17.08.2023.

(vii) Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 403/2023
(Nitin R. Kapadnis Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 3.8.2023

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Chetan Bhadane, learned counsel for respondent no. 2.

2. Learned counsel for the applicant has submitted the additional affidavit of the applicant after the documents are produced by the respondents on record. The additional affidavit is taken on record and copy thereof is given to other side. The arguments are heard and concluded.

3. For orders, S.O. to 4.8.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 3.8.2023

**ORIGINAL APPLICATION NO. 494/2023
(Savita w/o Nagesh Shalgar @ Savita d/o Shivaji
Katare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 3.8.2023

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, the learned Presenting Officer submitted that inadvertently the Annexure could not be attached to the affidavit in reply filed on behalf of the respondents. He has tendered Annexure R-1 across the bar. The same is taken on record and copy thereof has been given to other side.

3. The arguments are heard and concluded. The matter is reserved for orders.

VICE CHAIRMAN

ARJ ORAL ORDER 3.8.2023