

**M.A.ST. 1958/2022 IN M.A.ST. 1611/2022 IN  
O.A.ST.NO. 1612/2022**

**(Fakirchand S. Thorat & Ors. Vs. State of Maharashtra & Ors.)**

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

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Shri M.A. Kulkarni, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned Advocate for the applicant, S.O. to 04.07.2023.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 362 OF 2023**  
**(Vaishali V. Hinge Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Smt. Archana Therokar, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Advocate for the respondent authorities.

2. Issue notices to the respondents, returnable on 07.07.2023.

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 07.07.2023.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 105 OF 2021**  
(Smita K. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Smt. Vinaya Mule-Dharurkar, learned Advocate holding for Shri C.V. Dharurkar, for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. S.O. to 07.06.2023 for final hearing. **High on board.**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 811 OF 2022**

**(The Association of the Ministerial Services of department of Agriculture, Maharashtra State, Pune through its General Secretary Shri Ashok Kale & Ors. Vs. State of Maharashtra & Ors.)**

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

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.

3. S.O. to 13.06.2023.**High on board.**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 809 OF 2021**

**(Dr. Imran Nizam Pathan Vs. State of Maharashtra & Ors.)**

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

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Smt. Archana Therokar, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. S.O. to 13.06.2023 for hearing. **High on board.**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 845 OF 2017**  
**(Rambhau L. Kuskar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for  
the applicant and Shri V.R. Bhumkar, learned  
Presenting Officer for the respondent authorities.

2. S.O. to 03.07.2023. **High on board.**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 147 OF 2018**  
(Dashrath G. Shinde Vs. State of Maharashtra & Ors.)

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri Nagesh G. Talekar, learned  
Advocate for the applicant and Shri S.K. Shirse,  
learned Presenting Officer for the respondent  
authorities.

2. S.O. to 03.07.2023. **High on board.**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 148 OF 2018**

**(Uttam E. Mudiraj Vs. State of Maharashtra & Ors.)**

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

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri Nagesh G. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 03.07.2023. **High on board.**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 685 OF 2019**

**(Shivaji R. Thakare Vs. State of Maharashtra & Ors.)**

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

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

**DATE : 05.06.2023**

**ORAL ORDER :**

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

2. S.O. to 03.07.2023 for hearing. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 97 OF 2019**  
(Mirkhan Iliyaskhan Pathan Vs. State of Maharashtra & Ors.)

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri Y.B. Pathan, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Record shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf on behalf of the respondent Nos. 1 to 3. Hence, the matter will proceed further without affidavit in reply of the respondent Nos. 1 to 3.

3. S.O. to 06.07.2023 for hearing.

**MEMBER (J)**

**O.A.NO. 300/2023 WITH O.A.NO. 215/2023**  
(Ratnaraj R. Jawalgekar Vs. State of Maharashtra & Ors.)

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant in both the O.As. and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities in both the O.As.

2. Shri A.B. Kharosekar, learned Advocate submits that he would file **VAKALATNAMA** on behalf of the respondent No.4 in O.A.No. 300/2023 along with affidavit in reply during the course of the day. Affidavit in reply be taken on record and copy be given to other side.

4. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondent Nos. 1 to 3 in O.A.No. 300/2023.

5. S.O. to 15.06.2023 for filing affidavit in rejoinder to the affidavit in reply filed on behalf of the respondent No.4.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 169 OF 2022**

**(Nisar Kha Abdullatif Kha Pathan Vs. State of Maharashtra & Ors.)**

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

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Ms. S.N. Suryawanshi, learned Advocate holding for Shri S.N. Suryawanshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicant, time is granted as a last chance for filing affidavit in rejoinder.

3. S.O. to 11.07.2023.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 240 OF 2022**

**(Ankij P. Sawai Vs. State of Maharashtra & Ors.)**

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

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Smt. Vinaya Mule-Dharurkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Presenting Officer for the respondent authorities and Shri S.B. Solanke, learned Advocate for the respondent No.4.

2. At the request made on behalf of the respondents, time is granted as a last chance for filing affidavit in reply.

3. S.O. to 04.07.2023.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 659 OF 2022**  
(Navnath C. Ugalmugale Vs. State of Maharashtra & Ors.)

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicant, time is granted as last chance for filing affidavit in rejoinder.

3. S.O. to 12.07.2023.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 10 OF 2023**

**(Rahul S. Chavhan Vs. State of Maharashtra & Ors.)**

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

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Shri A.B. Girase, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. S.O. to 04.07.2023 as a last chance for filing affidavit in rejoinder.

**MEMBER (J)**

**M.A.NO. 142/2022 IN O.A.ST.NO. 562/2022**  
(Rajratan S. Ippalwad Vs. State of Maharashtra & Ors.)

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Ms. Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicant, time is granted as a last chance for filing affidavit in rejoinder in M.A.

3. S.O. to 13.07.2023.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 418 OF 2022**

**(Ramhari S. Khade Vs. State of Maharashtra & Ors.)**

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

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri D.K. Dagadkhair, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submits that he would file affidavit in rejoinder during the course of the day.
3. S.O. to 12.07.2023 for admission.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 458 OF 2022**

(Dr. Suresh R. Pawar Vs. State of Maharashtra & Ors.)

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

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri Jayant S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

Smt. Yogita S. Thorat, learned Advocate for the respondent No.4, is **absent**.

2. At the request of the learned P.O., time is granted as a last chance for filing affidavit in reply on behalf of the respondent authorities.

3. S.O. to 12.07.2023.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1114 OF 2022**  
(Pramod N. Kusneniwar Vs. State of Maharashtra & Ors.)

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

**DATE : 05.06.2023**  
**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Vishnu Khande, learned Advocate holding for Ajinkya S. Reddy, learned Advocate for the respondent No.4.

Shri V.P. Narwade, learned Advocate for the respondent No.3 (**Absent**).

2. Affidavit in reply filed on behalf of the respondent No.4 is taken on record and copy thereof has been served on the other sides.

3. Learned Advocate for the applicant submits that he would file affidavit in rejoinder during the course of the day.

4. S.O. to 04.07.2023 as a last chance for filing affidavit in reply on behalf of the respondent No.3.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 398 OF 2023**  
(Sanjay Ramala Betiwar Vs. State of Maharashtra & Ors.)

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. This Original Application is made challenging the transfer order of the applicant dated 31.05.2023 (Annexure 'A-8') issued by the respondent No.1 thereby transferring the applicant from the establishment of District Sports Officer, Parbhani attached to Hingoli to the office of District Sports Officer, Beed. The applicant is working on the post of Sports Officer.

3. It is the case of the applicant that by earlier order dated 18.05.2023 (Annexure 'A-3'), the respondent No.1 transferred the applicant from Hingoli (Parbhani) to Nanded. The applicant was relieved from Hingoli as per relieving order dated 23.05.2023 (Annexure 'A-4') and ultimately was relieved from the office of Parbhani by relieving order dated 25.05.2023 (Annexure 'A-5').

4. The applicant joined in the office of District Sports Officer, Nanded on 26.05.2023 (Annexure 'A-6'). The respondent No.3 forwarded joining report of the applicant to respondent No.1 by letter dated 26.05.2023 (Annexure 'A-7'). The applicant has proceeded on medical leave on 29.05.2023 by addressing letter dated 29.05.2023 along with proforma-1 application (Annexure 'A-9').

5. Subsequently by impugned order dated 31.05.2023 (Annexure 'A-8'), the applicant has been transferred to Beed in supersession of earlier transfer order dated 18.05.2023 (Annexure 'A-3') on administrative ground without taking into consideration of the fact that the applicant had already joined at Nanded.

6. It also appears that the District Sports Officer, Nanded had sent letter dated 19.10.2022 to the respondent No.1 requesting for posting the applicant at Nanded, as per application made by the applicant on 18.10.2022 also mentioning that the applicant in general transfer had given option at Nanded.

7. Leaned C.P.O. for the respondents submitted that the impugned order of the applicant dated 31.05.2023 (Annexure 'A-8') would show that it is infact modified transfer order in supersession of earlier transfer order dated 18.05.2023 (Annexure 'A-3'). However, in between the applicant had joined at Nanded on 26.05.2023 which fact is not reflected in the impugned order dated 31.05.2023.

8. In view of the same, the question arises as to whether impugned transfer order is a general transfer order or modified transfer order amounting to mid-term transfer which is required to be considered in the Original Application.

9. From the facts of the Original Application, it transpires that the applicant has proceeded on medical leave on 29.05.2023 by filing application for earned leave on medical ground without specifying even the ailment he is suffering. It is expected that the applicant would work at Nanded, where he is posted and would not cause any administrative inconvenience to the respondent No.3.

10. In view of the same, this is a fit case to grant interim relief of stay to the implementation of impugned order of transfer dated 31.05.2023 (Annexure 'A-8') till filing of reply by the respondents. Ordered accordingly.

11. In view of the above, issue notices to the respondents, returnable on 27.06.2023.

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

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

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

15. The service may be done by hand delivery, speed post, courier and acknowledgment be

//5//

O.A.398/2023

obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

16. S.O. to 27.06.2023.

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

**MEMBER (J)**

SAS ORAL ORDERS 05.06.2023.



**M.A.ST. 817/2023 IN M.A. 217/2023 WITH  
M.A.NO. 216/2023 IN O.A.NO. 227/2023  
(Sandip D. Wayal Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri Harish S. Bali, learned Advocate for the applicants/intervenors in M.A.St.No. 817/2023 and M.A.No. 217/2023, Shri A.B. Rajkar, learned Advocate for the applicants/intervenors in M.A.No. 216/2023 and Shri M.P. Gude, learned Advocate for the respondent authorities.

Shri S.R. Sapkal, learned Advocate for the applicants in O.A.No. 227/2023, is **absent**.

2. Shri P.D. Suryawanshi, learned Advocate placed on record withdrawal pursis in respect of applicants/intervenors Nos. 1 to 4, 10 to 13 and 20 & 21 as they want to file separate O.A.

3. I have no reason to refuse permission for withdrawal. Permission granted.

4. In view of the same, the names of applicants/intervenors Nos. 1 to 4, 10 to 13 and 20 & 21 in M.A.St.No. 817/2023 & M.A. 217/2023 be deleted.

//2// M.A.St.817/2023 In  
M.A.217/2023 with  
M.A. 216/2023 In  
O.A. 227/2023

5. M.A.St.No. 817/2023 & M.A.No. 217/2023 will proceed for applicant/intervenor Nos. 5 to 9 and 14 to 19 only.

6. S.O. to 14.06.2023.

**MEMBER (J)**

SAS ORAL ORDERS 05.06.2023.

**ORIGINAL APPLICATION ST. NO. 753 OF 2023**  
(Sandip D. Wayal Vs. State of Maharashtra & Ors.)

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

**DATE : 05.06.2023**

**ORAL ORDER :**

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submits that the applicant will join Shri D.H. Takras as a party respondent No.3 in representative capacity who is likely to be affected if the Original Application is allowed. In view of the same office objection is satisfied. The applicant to carry out amendment within two days.

3. In view of the above, issue notices to the respondents, returnable on 26.06.2023.

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 26.06.2023.

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

**MEMBER (J)**