

ORIGINAL APPLICATION NO.406/2021
(Sajed Siddiqui Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri A.S.Deshmukh, learned Advocate for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondent.

2. Learned Advocate for the applicant has argued that transfer order dated 29-07-2021 speaks of Annual General Transfers of 2021 (वार्षिक सर्वसाधारण बदली सन-२०२१) and there is a specific mention in opening paragraph indicating that officers/employees being transferred on completion of their prescribed tenure. Relevant portion in Marathi is reproduced as follows:

“शासन निर्णय क्र.टीआरएन-०११०/प्र.क्र. ४८८/पोह-५ब गृह विभाग दिनांक २४ एप्रिल २०१०, शासन निर्णय क्र.एसआरव्ही-२०२१/प्र.क्र.२०/कार्या १२ दि. २९ जुलै २०२१ अन्वये आस्थापना विभागाने घेतलेल्या निर्णयानुसार खालील नमुद अंमलदार यांचा विहित कालावधी पूर्ण झाल्याने त्यांच्या नांवासमोर दर्शविल्याप्रमाणे प्रशासकीय कारणास्तव बदल्या करण्यात आलेल्या आहेत. संबंधीत प्रभारी अधिकारी यांनी बदली झालेल्या अंमलदारांना तात्काळ बदली ठिकाणी कार्यमूक्त करणेबाबत व अंमलदार हजर झालेबाबत अनुपालन अहवाल सादर करावा. यानंतर आमचे आदेशाशिवाय कोणताही अंमलदार पोलीस स्टेशन, शाखा, उप विभाग येथे परस्पर संलग्न अथवा कामकाजासाठी घेणार नाही याची सर्व संबंधित प्रथारी अधिकारी यांनी नोंद घ्यावी.”

This transfer order read together with earlier transfer order issued on 7th September, 2020 makes it evident that normal tenure prescribed for the post of Head Constable has not been completed in case of applicant.

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3. On the other hand learned P.O. mentioned that impugned transfer order has been issued under section 22-N of the Maharashtra Police Act 2005 which falls under the category of exceptional case in public interest and on account of administrative exigencies. In the transfer order there is specific mention that it has been done as per the decision of Police Establishment Board.

4. Both sides agreed that the Police Establishment Board is competent to take decision in the matter. However, there is disagreement on the issue of general transfers as defined under section 2(6)(9) of Maharashtra Police Act, which is stipulated under section 22-N-1(B) and not under section 22-N of the said Act. The contention of learned Advocate for the applicant is that the impugned transfer order is not as per the letter and spirit of the law.

5. Learned Presenting Officer has been advised to get the minutes of the meeting of Police Establishment Board be produced before the Tribunal on next date of hearing i.e. on 10-08-2021 so that the matter can be decided without any further complications and the process of annual general transfers of Policemen could be completed within the time limit set up by the Government of Maharashtra for effecting transfers for the year 2021.

6. Status quo may be maintained in the matter so far as the applicant is concerned till next date.

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7. Issue notices to the respondents, returnable on 10-08-2021.

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

9. 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.

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

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

12. S.O. to 10-08-2021.

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

MEMBER (A)

ORIGINAL APPLICATION ST. NO.836/2021
(Prafull Suryavanshi Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Smt. Rakhi Sundale, learned Advocate for the applicants and Smt. Deepali Deshpande, learned Presenting Officer for the respondent.

2. Learned Advocate for the applicant has conceded that she has not approached the Tribunal claiming relief within prescribed period of limitation i.e. within one year of rejection of application filed by the applicant Prafull Suryavanshi for appointment on compassionate ground. She has further stated that the applicant was under impression that he can file Original Application after attaining majority. She has proposed to file M.A. for condonation of delay, which is permitted. M.A. for delay condonation be filed explaining delay caused for filing O.A.

3. S.O. to 25-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.445/2020
(Narsing Mudiraj Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri V.B.Dhage, learned Advocate for the applicants and Shri N.U.Yadav, learned Presenting Officer for the respondent.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 02-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.456/2020
(Parvatibai Mali Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri V.B.Dhage, learned Advocate for the applicants and Smt. Deepali Deshpande, learned Presenting Officer for the respondent.

2. Service affidavit is filed on 21 November, 2020 and thereafter, the matter is coming up on board today.

3. In the present case, deceased Balaji Mali first married to Laxmibai and after her death he had married to applicant Parvatibai. There is no mention in the O.A. whether the first wife of deceased Balaji Mali is having surviving children.

4. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 02-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.113/2021
(Vaijinath Navande Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri V.B.Dhage, learned Advocate for the applicants and Smt. Deepali Deshpande, learned Presenting Officer for the respondent.

2. Learned P.O. had filed affidavit in reply on 22nd March, 2021. Office Note of the Registrar date 07-04-2021 clearly mentions that affidavit in reply on behalf of respondent nos.1 and 4 is filed by the learned P.O. and also deposited extra copy of the affidavit in reply.

3. Further it is noticed that the affidavit in reply filed by the learned P.O. on behalf of respondent nos.1 and 4. First page of the affidavit does not tally with the statement made in paragraph 2 of the said affidavit which states that affidavit in reply on behalf of respondent nos.1 to 3.

4. Learned P.O. for the respondents to correct this anomaly and furnish the corrected copy to the applicant.

3. S.O. to 02-09-2021.

MEMBER (A)

M.A.NO.417/2018 IN O.A.ST.NO.1785/2018
(Dangal Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri V.G.Pingle, learned Advocate for the applicants and Smt. M.S.Patni, learned Presenting Officer for the respondent.

2. Learned P.O. has stated that for locating file regarding outcome of the DPC, some more time is required as per the communication received from Dr. P.B.Bhoi, Joint Director, Health Service, (Malaria, Filariasis and Water Borne Diseases), Pune addressed to the Chief Presenting Officer by letter dated 17-09-2021. No further details are available to that effect. Learned P.O. to make submission on this point on the next date.

3. S.O. to 06-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.153 OF 2020
(Shri Sagar W. Sonavane Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Shri D.M. Pawar, learned Advocate for the Applicant (**absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. As none present on behalf of the Applicant, S.O. to 02.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.210 OF 2020
(Shri Suresh B. Hallikar Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Shri D.N. Khillare, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. The praecipe presented on behalf of the Applicant is taken on record. By the said praecipe the Applicant is seeking fresh notice to the Respondent No.3.

3. Record shows that the Respondents have already served. Affidavit-in-reply of Respondent No.3 is already on record.

4. Moreover, affidavit-in-reply of Respondent Nos.1, 2, 5 and 6 is already on record.

5. S.O. to 14.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.597 OF 2020
(Shri Amol S. Shidore Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri Govind B. Chate, learned Advocate holding for Shri Sandip R. Andhale, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.

3. S.O. to 06.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.186 OF 2021
(Shri Namdeo A. Fad Vs. State of Maharashtra & Ors.)**

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Record shows that affidavit-in-reply is filed on behalf of the Respondent Nos.1 to 3.

3. Learned P.O. seeks time for filing affidavit-in-reply on behalf of the Respondent Nos.4 & 5. Time is granted.

4. Learned Advocate for the Applicant produces on record the order dated 06.07.2021 issued by Respondent No.3 i.e. Superintendent of Police, Beed ordering recovery of the amount of Rs.1,64,663/- from the amount of leave encashment. He submits that this order is passed inspite of interim stay dated 05.05.2021 is granted in this case.

5. Learned P.O. to take notice of it and respond by next date.

6. S.O. to 07.09.2021. The interim relief granted earlier to continue.

MEMBER (J)

ORIGINAL APPLICATION NO.193 OF 2021
(Dr. Govardhan S. Doifode Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.

3. S.O. to 08.09.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.247 OF 2021
(Shri Ashok B. Dhokle Vs. State of Maharashtra & Ors.)**

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

DATE : 05.08.2021

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.

3. S.O. to 09.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.411 OF 2021
(Shri Bharat L. Bhillare Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the Applicant, S.O. to 06.08.2021.

MEMBER (J)

**M.A.NO.456 OF 2019 IN O.A.ST.NO.1749 OF 2019
(Shri Sandip V. Gange Vs. State of Maharashtra & Ors.)**

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri Govind B. Chate, learned Advocate holding for Shri S.R. Andhale, learned Advocate for the Applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent No. 1 and Shri S.D. Dhongde, learned Advocate for the Respondent Nos. 2 to 4.

2. At the request of learned Advocate for the Applicant, S.O. to 27.08.2021 for production of relevant documents.

MEMBER (J)

**M.A.NO.196/2021 IN M.A.ST.NO.780/2021 IN
O.A.NO.198 OF 2020
(Shri Harishchandra B. Bhujbal Vs. State of Maharashtra &
Ors.)**

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

DATE : 05.08.2021

ORAL ORDER :

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

2. Issue notices to the respondents in M.A.No.196/2021, returnable on 14.09.2021.

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

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

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

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M.A.196/21 IN
M.A.St.780/21 In
O.A.198/20

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 14.09.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (J)

**O.A.No.86/2019, 118/2019, 278/2019, 421/2019
392/2020, 394/2020, 395/2020 AND 398/ 2020**

**(Shri Bhimrao S. Pawar & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the Applicants in all these matters and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents in all these matters.

2. Pursuant to the observations made in the order dated 14.07.2021, learned P.O. was directed to make endeavor to find out whether thereafter any steps are taken for obtaining stay in the matter of **State of Maharashtra & Ors. Vs. Yamuna Laksyhanrao Bhosale in the SLP (c) No.9426-/2021** registered on 12.07.2021.

3. In that regard, learned P.O. places on record the copy of order dated 23.07.2021 passed by Hon'ble Supreme Court of India wherein it shows that in the said SLP notices are issued returnable on 17.09.2021. The same is taken on record and marked as document 'X' for the purpose of identification.

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O.A.No.86/ 2019 & Ors.

4. Learned Advocate for the Applicant submits that these matters are pending since 2019 & 2020 and such submissions are made only for seeking adjournment.

5. In view of submissions as narrated above, in my opinion, it would be just and proper to adjourn the matter.

6. S.O. to 30.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.858 OF 2018
(Shri Sudhkar D. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri Jayant B. Choudhary, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Pursuant to the observations made in the order dated 14.07.2021, learned P.O. was directed to make endeavor to find out whether thereafter any steps are taken for obtaining stay in the matter of **State of Maharashtra & Ors. Vs. Yamuna Laksyhmanrao Bhosale in the SLP (c) No.9426-/2021** registered on 12.07.2021.

3. In that regard, learned P.O. places on record the copy of order dated 23.07.2021 passed by Hon'ble Supreme Court of India wherein it shows that in the said SLP notices are issued returnable on 17.09.2021. The same is taken on record and marked as document 'X' for the purpose of identification.

4. Learned Advocate for the Applicant submits that this matter is pending since 2018 and such submissions are made only for seeking adjournment.

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O.A.No.858/2018

5. In view of submissions as narrated above, in my opinion, it would be just and proper to adjourn the matter.
6. S.O. to 30.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.60 OF 2020
(Smt. Sangita S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

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

2. Pursuant to the observations made in the order dated 14.07.2021, learned P.O. was directed to make endeavor to find out whether thereafter any steps are taken for obtaining stay in the matter of **State of Maharashtra & Ors. Vs. Yamuna Laksyhmanrao Bhosale in the SLP (c) No.9426-/2021** registered on 12.07.2021.

3. In that regard, learned P.O. places on record the copy of order dated 23.07.2021 passed by Hon'ble Supreme Court of India wherein it shows that in the said SLP notices are issued returnable on 17.09.2021. The same is taken on record and marked as document 'X' for the purpose of identification.

4. Learned Advocate for the Applicant submits that this matter is pending since 2020 and such submissions are made only for seeking adjournment.

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O.A.No.60/2020

5. In view of submissions as narrated above, in my opinion, it would be just and proper to adjourn the matter.
6. S.O. to 30.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.259 OF 2020
(Shri Panchamlal L. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

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

2. The present case is closed for order.

MEMBER (J)

ORIGINAL APPLICATION NO.47 OF 2021
(Shri Bhanudas F. Gavit Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

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

2. S.O. to 23.08.2021 for hearing.

MEMBER (J)

Date :05.08.2021

ORIGINAL APPLICATION NO.355 OF 2021

(Shri Laxman Haribhau Talekar V/s The State of Maharashtra & Ors.)

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

1. Shri K.B. Jadhav, ld. Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 31.08.2021. The case be listed for admission hearing on 31.08.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date :05.08.2021

ORIGINAL APPLICATION NO.356 OF 2021

(Mirza Saleem Baig Ismail Baig V/s The State of Maharashtra & Ors.)

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

1. Shri K.B. Jadhav, Id. Advocate for the applicant and Smt. Deepali S. Deshpande, Id. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 31.08.2021. The case be listed for admission hearing on 31.08.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date :05.08.2021

ORIGINAL APPLICATION NO.357 OF 2021

**(Mirza Jamil Baig Mirza Hayat Baig V/s The State
of Maharashtra & Ors**

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

1. Shri K.B. Jadhav, ld. Advocate for the applicant and Shri S.K. Shirse, ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 31.08.2021. The case be listed for admission hearing on 31.08.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date :05.08.2021

ORIGINAL APPLICATION NO.358 OF 2021

**(Taj Mohamad Khan Ameer Mohamed Khan Durani
V/s The State of Maharashtra & Ors.)**

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

1. Shri K.B. Jadhav, Id. Advocate for the applicant and Shri N.U. Yadav, Id. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 31.08.2021. The case be listed for admission hearing on 31.08.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

ORIGINAL APPLICATION NO. 1044 OF 2019
(Tukaram S. Katare Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply is filed only on behalf of respondent No. 3.
3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of other respondents.
4. S.O. to 09.09.2021.
5. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

C.P. No. 28/2020 in O.A. No. 113/2012
(Bhagwat T. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

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

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

3. S.O. to 08.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 26 OF 2020
(Sanjay D. Salunke Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri Y.H. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3. Shri D.A. Madke, learned Advocate for respondent No. 19 (**Absent**). None present for respondent Nos. 4 to 18.

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

3. S.O. to 14.09.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 267 OF 2021
(Akshay V. Pardeshi Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.B. Solanke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.
3. S.O. to 14.09.2021.
4. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

M.A. No. 79/2021 in O.A. St. No. 288/2021
(Pralhad V. Fiske Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

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

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

3. S.O. to 08.09.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

C.P. No. 27/2019 in O.A. No. 260/2017
(Bhagwat D. Bedke Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3 and Smt. Ujjwal Agarwal, learned Advocate for respondent No. 4.

2. During arguments being advanced by the learned Advocate for the applicant he was referring Exhibit R-2 at paper book page No. 57, which is annexed to the affidavit in reply of respondent No. 1. This particular letter refers to some Circular/Guidelines dated 03.11.2008, wherein it is mentioned that the provisions of Section 54 of the Maharashtra Civil Services (Pension) Rules, 1982 have been applicable to Class-IV employees and not to the Class-III employees. The applicant herein admittedly Class-III employee. Record shows that the said Circular/Guideline is not on record.

3. In view thereof, the respondents are directed to place on record above Circular/Guidelines dated 03.11.2008.

4. S.O. to 15.09.2021

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 901 OF 2018
(Bhagwat S. Somase Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted.
3. S.O. to 16.09.2021.
4. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 892 OF 2018
(Dhananjay D. Chandodkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that interim relief is granted by this Tribunal in the present matter by the order dated 28.11.2018. Record further shows that affidavit in reply is filed on behalf of respondent Nos. 1 to 5 on 14.01.2019. Meanwhile, the interim relief was extended from time to time. At the request of learned Advocate for the applicant, time was granted for filing affidavit in rejoinder till 08.06.2020. Meanwhile, interim relief was extended.

3. Today, learned Advocate for the applicants seeks extension of interim relief. During Covid-19 pandemic situation, the earlier interim relief deemed to have been extended in view of the order of the Hon'ble Apex Court. He is also seeking time for filing rejoinder affidavit.

//2//

O.A. No. 892/2018

4. At the request of learned Advocate for the applicants, time is granted for filing rejoinder affidavit and interim relief granted earlier to continue till next date of hearing.
5. S.O. to 16.09.2021.
6. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

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

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

DATE : 05.08.2021

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 to 3
3. Learned Advocate for the applicant submits that affidavit in rejoinder is not necessary.
4. The present matter is pertaining to promotion.
5. In view thereof, the present matter is admitted and it be fixed for final hearing on 16.09.2021.

MEMBER (A)

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

DATE : 05.08.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted.
3. S.O. to 15.09.2021.
4. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 06 OF 2021
(Dattu R. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.
3. S.O. to 09.09.2021.
4. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

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

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

DATE : 05.08.2021

ORAL ORDER :

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

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

3. S.O. to 16.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 659 OF 2019
(Vijay M. Suralkar Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Shri R.S. Shinde (Borolkar), learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 20.09.2021 for final hearing/dismissal. The interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

M.A. 201/2021 with M.A. 159/2021 in O.A. 115/2018
(Nagnath G. Savant & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 05.08.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicants, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent No. 3.

2. The present Misc. Application No. 201/2021 is filed for seeking amendment in the O.A. No. 115/2018, mainly contending that by the order dated 05.07.2021 passed by this Tribunal in M.A. No. 159/2021 filed by the applicants for interim relief, ad-interim relief was granted thereby restraining the respondent No. 1 from processing and finalizing the proposal in respect of grant of deemed date of appointment of the post of Superintendent District Prison in favour of respondent No. 3. Now according to the applicants in respect of said order, the respondent No. 1 has granted deemed date of appointment to the respondent No. 3 by the order dated 01.07.2021, but the same was not disclosed during the hearing on

//2// MA 201/2021 with MA
159/2021 in OA 115/2018

05.07.2021. In view of the same, the applicants have filed the present M.A. for amendment in the O.A. and are also seeking alternate interim relief restraining the respondent No. 1 from taking any action in furtherance of deemed date to the respondent No. 3 i.e. consideration of any proposal for grant of deemed date of promotion, etc.

3. In the facts and circumstances as narrated above by the learned Advocate for the applicants, in our opinion, in order to avoid further litigation, it is just and proper to grant ad-interim relief in terms of alternate prayer clause (C) at this stage till filing of the affidavit in reply by the respondents. Hence, ordered accordingly.

4. Hence, issue notices to the respondents in M.A. No. 201/2021, returnable on 14.09.2021.

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

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

//3// MA 201/2021 with MA
159/2021 in OA 115/2018

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.

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

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

9. S.O. to 14.09.2021.

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

11. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

DATE : 05.08.2021

ORIGINAL APPLICATION NO. 418 OF 2021

(Dr. Shubhangi S. Gite Vs. The State of Maharashtra & Ors.)

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

1. Shri M.R. Kulkarni, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 13.09.2021. The case be listed for admission hearing on 13.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

KPB – REGISTRAR NOTICE

Date : 05.08.2021

M.A.NO. 228/2021 IN O.A.ST. NO. 775/2021

(Jagannath T. Mundhe V/s State of Maharashtra & Ors.)

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

1. Ms. Sonali G. Satpute, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents in M.A. No. 228/2021, returnable on 14.09.2021. The case be listed for admission hearing on **14.09.2021**.

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

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

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

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

REGISTRAR

Date : 05.08.2021
ORIGINAL APPLICATION NO. 382 OF 2021
(Shaikh Hafijoddin V/s State of Maharashtra & Ors.)

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

1. Ms. Sonali G. Satpute, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 14.09.2021. The case be listed for admission hearing on **14.09.2021**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 05.08.2021

ORIGINAL APPLICATION NO. 413 OF 2021

(Pandhari S. Ahankare V/s State of Maha. & Ors.)

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

1. Ms. Sonali G. Satpute, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 14.09.2021. The case be listed for admission hearing on **14.09.2021**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 05.08.2021

M.A.NO. 231/2021 IN O.A.ST. NO. 782/2021

(Raju T. Kamble V/s State of Maha. & Ors.)

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

1. Shri R.M. Bhagwal, learned Advocate holding for Shri S.P. Chate, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents in M.A. No. 231/2021, returnable on 09.09.2021. The case be listed for admission hearing on **09.09.2021**.

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

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

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

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

REGISTRAR

Date : 5.8.2021

O.A. 414/2021

**(Shaikh Gulab Sher Muhammad Shaikh V/s State
of Maharashtra & Ors.)**

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

1. Smt. Suchita Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 7.9.2021. The case be listed for admission hearing on 7.9.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR