

ORIGINAL APPLICATION NO. 393 OF 2020
(Shri Sanjay B. Barde Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 19.11.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A. No. 393/2020

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 19.11.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 900 OF 2019
(Shri Arvind R. Bhingardive Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020

ORAL ORDER :

Heard Shri S.R. Zambre, learned Advocate holding for Shri N.B. Narwade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 23.11.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 948 OF 2019
(Shri Manohar K. Mulmule & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri D.R. Patil, 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. At the request of learned Presenting Officer, S.O. to 29.10.2020 for filing sur-rejoinder, if necessary.

VICE CHAIRMAN

KPB/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 747 OF 2019
(Shri Prashant M. Wayukar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief 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 29.10.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 985 OF 2019
(Shri Suresh S. Chate Vs. State of Maharashtra & Ors.)

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ORIGINAL APPLICATION NO. 996 OF 2019
(Shri Sainath R. Thombre Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020

ORAL ORDER :

O.A. No. 985/2019

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

O.A. No. 996/2019

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri V.B. Wagh, learned Advocate for respondent No. 5.

2. Shri Dilip Devrao Tiparse, Sub Divisional Police Officer, Tuljapur is personally present before this Tribunal in view of the order passed by this Tribunal on 14.09.2020.

3. Learned Presenting Officer has placed on record a copy of communication dated 29.09.2020 along with test report showing that Shri Rajtilak Roshan, Superintendent of Police, Osmanabad has been tested as COVID-19 positive. Same are taken on record. He has also filed short affidavit in reply on behalf of respondent Nos. 4 & 5. Same

//2// O.A. Nos. 996/19 & 985/19

is taken on record and copy thereof has been served on the other side.

4. Learned P.O. has submitted that in response to the show cause notice issued to the respondents, Shri Dilip Devrao Tiparse, Sub Divisional Police Officer, Tuljapur is present today personally. He has submitted that Shri Rajtilak Roshan, Superintendent of Police, Osmanabad has tested as COVID-19 positive and he has advised to home quarantine on account of his ill-health and therefore, he sought time to keep Shri Rajtilak Roshan, Superintendent of Police, Osmanabad present before this Tribunal.

5. Learned Advocate for the applicant has insisted to decide the matter on merit today itself.

6. On considering the submissions advanced by the learned P.O. and on considering the fact that Shri Rajtilak Roshan, Superintendent of Police, Osmanabad is suffering from ill-health, the matter is adjourned till 02.11.2020.

7. S.O. to 02.11.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 258 OF 2020
(Shri Atul P. Bhangе Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, 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 05.11.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 878 OF 2019
(Shri Yuvraj G. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri Sunil B. Jadhav, learned Advocate for respondent No. 3.

2. Learned Chief Presenting Officer seeks time to keep concerned S.P. present. Time granted.

3. S.O. to 19.10.2020

VICE CHAIRMAN

KPB/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO.327/2020
(Vithal Bhosale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

Heard Shri K.G.Salunke learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instructions states that the applicant intends to prefer the appeal against the impugned order. Therefore, he wants to withdraw the same and sought leave of the Tribunal to withdraw the O.A. with liberty to the applicant to file appeal before the appropriate authority.

3. Learned P.O. prays to pass appropriate order in the matter.

4. In view of the submission of the learned Advocate for the applicant leave is granted to withdraw the O.A. Accordingly, O.A. stands disposed of as withdrawn with liberty to the applicant file appeal before the appropriate authority. There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.356/2020
(Kiran Kolpe Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

Heard Shri N.B.Narwade learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 02.11.2020.

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

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

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

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O.A.No.356/2020

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 02.11.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO.357/2020
(Vinod Borge Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

Heard Shri N.B.Narwade learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 02.11.2020.

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

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

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

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O.A.No.357/2020

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 02.11.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO.382/2020
(Dr. Rajeev Tarpewad Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

Heard Smt. A.N.Ansari learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant has filed O.A. seeking limited relief as follows:

“(B) The Respondent No.1 be directed to consider and decide the application/representation made by Applicant on 31.8.2020 favourably.”

3. Learned Advocate for the applicant submits that if the respondent no.1 considers representations of the applicant and decides the same as per rules within stipulated time, the purpose of filing the O.A. will be served. Therefore, she has prayed to dispose of the O.A. with said directions.

4. Learned P.O. submitted that reasonable time may be given to the respondents to decide the

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O.A.No.382/2020

representations of the applicant and by giving reasonable time O.A. may be disposed of.

5. In view of the submissions of the learned Advocate for the applicant as well as the learned P.O. O.A. stands disposed of with direction to the respondent no.1 to take appropriate decision on the representation filed by the applicant dated 31.8.2020 within a period of 3 months from today, on merit as per rules, and inform the decision thereon to the applicant in writing. O.A. stands disposed of accordingly with no order as to costs.

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO.388/2020
(Rajendra Marale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 19.11.2020.

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

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

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

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O.A.No.388/2020

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 19.11.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO.391/2020
(Dr. Sanjay Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 19.11.2020.

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

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

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

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O.A.No.391/2020

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 19.11.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO.392/2020
(Ramchandra Shinde Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23.11.2020.

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

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

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

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O.A.No.392/2020

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 23.11.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO.394/2020
(Waman Mane Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 23.11.2020.

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

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

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

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O.A.No.394/2020

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 23.11.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO.395/2020
(Arjun Misal Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23.11.2020.

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

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

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

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O.A.No.395/2020

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 23.11.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO.398/2020
(Jayshri Todkari Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 23.11.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A.No.398/2020

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 23.11.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO.223/2020
(Divya Nandi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

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

2. Learned CPO seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 26.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

M.A.NO.227/2020 IN O.A.NO.180/2020
(Ganesh Suralkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate holding for Smt. Punam Mahajan learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned CPO states that he will file affidavit in reply in the O.A. during the course of the day. He also undertakes to serve copy of the same on the other side.

3. Learned CPO seeks time to take instructions from the respondents in the M.A. Time is granted.

4. S.O. to 08.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

**O.A.NOS.272, 273, 274, 275, 276, 277, 278, 279,
280, 281, 282 AND 283 ALL OF 2020**
(Shri Umesh Dargode & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate for the applicants in all these matters and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents in all the matters.

2. Learned CPO seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 23.11.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO.300/2019
(Sakharam Rakh Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020.

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate for the applicant, Shri D.R.Patil learned Presenting Officer for the respondents and Shri S.B.Mene learned Advocate for respondent nos.2 to 4.

2. Learned P.O. as well as the learned Advocate for respondent nos.2 to 4 seek time to file affidavit in reply. Time is granted.

3. S.O. to 26.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 73 OF 2020
(Shri Rohit H. Kondhalkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23.11.2020.

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

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

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

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O.A. No. 73/2020

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 23.11.2020.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

SAS/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 375 OF 2020
(Shri Amol M. Naikwade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

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

2. Learned Advocate for the Applicant has submitted that the similarly situated person approached the Hon'ble High Court by filing the Writ Petition No.6693/2020. The Hon'ble High Court has decided the similar matter and passed the order dated 30.09.2020 and directed the Respondents not to take adverse action against the Petitioner till 14.10.2020. He has submitted that the similar issue has been involved in the present matter and therefore, he has prayed to direct the Respondents not to take adverse action against the Applicant till next date.

3. Learned C.P.O. for the Respondents has submitted that he has no instructions from the Respondents and therefore, he seeks time to take instructions from the Respondents and to file the reply. Time granted.

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O.A. No. 375/2020

4. In view of the above, issue notices to the respondents, returnable on 26.10.2020.

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 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 26.10.2020. Till then, the Respondents are directed to not to take adverse action against the Applicant on the basis of the impugned order.

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O.A. No. 375/2020

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

VICE CHAIRMAN

SAS/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 376 OF 2020
(Shri Govind K. Surnar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicant has submitted that the similarly situated person approached the Hon'ble High Court by filing the Writ Petition No.6693/2020. The Hon'ble High Court has decided the similar matter and passed the order dated 30.09.2020 and directed the Respondents not to take adverse action against the Petitioner till 14.10.2020. He has submitted that the similar issue has been involved in the present matter and therefore, he has prayed to direct the Respondents not to take adverse action against the Applicant till next date.

3. Learned P.O. for the Respondents has submitted that he has no instructions from the Respondents and therefore, he seeks time to take instructions from the Respondents and to file the reply. Time granted.

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O.A. No. 376/2020

4. In view of the above, issue notices to the respondents, returnable on 26.10.2020.

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 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 26.10.2020. Till then, the Respondents are directed to not to take adverse action against the Applicant on the basis of the impugned order.

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O.A. No. 376/2020

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

VICE CHAIRMAN

SAS/ORAL ORDERS 05.10.2020

MISC. APPLICATION NO. 237 OF 2020
(Shri Popat K. Gonde Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. 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, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO. 993 OF 2020
(Shri Popat K. Gonde Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicants has submitted that the similarly situated person approached the Hon'ble High Court by filing the Writ Petition No.6693/2020. The Hon'ble High Court has decided the similar matter and passed the order dated 30.09.2020 and directed the Respondents not to take adverse action against the Petitioner till 14.10.2020. He has submitted that the similar issue has been involved in the present matter and therefore, he has prayed to direct the Respondents not to take adverse action against the Applicants till next date.

3. Learned P.O. for the Respondents has submitted that he has no instructions from the Respondents and therefore, he seeks time to take instructions from the Respondents and to file the reply. Time granted.

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O.A.St.No. 993/2020

4. In view of the above, issue notices to the respondents, returnable on 26.10.2020.

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

6. 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.

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. Applicants are directed to file affidavit of compliance and notice.

9. S.O. to 26.10.2020. Till then, the Respondents are directed to not to take adverse action against the Applicants on the basis of the impugned order.

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O.A.St.No. 993/2020

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

VICE CHAIRMAN

SAS/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 364 OF 2020
(Shri Mayur P. Chavan Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

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

2. Learned Advocate for the Applicant on instructions received from the Applicant submits that the Applicant does not want to proceed the O.A. as the Applicant has challenged the order dated 16.09.2020 before the Hon'ble High Court. Therefore, he sought leave of this Tribunal to withdraw the Original Application.

3. Learned P.O. for the Respondents has prayed to pass the necessary order.

4. In view of the submission of the learned Advocate for the Applicant, leave as prayed for is granted. The Original Application is disposed of as withdrawn. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 365 OF 2020
(Shri Amol S. Sambhare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

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

2. Learned Advocate for the Applicant on instructions received from the Applicant submits that the Applicant does not want to proceed the O.A. as the Applicant has challenged the order dated 16.09.2020 before the Hon'ble High Court. Therefore, he sought leave of this Tribunal to withdraw the Original Application.

3. Learned P.O. for the Respondents has prayed to pass the necessary order.

4. In view of the submission of the learned Advocate for the Applicant, leave as prayed for is granted. The Original Application is disposed of as withdrawn. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 386 OF 2020
(Shri Ganga W/o S. Suryawanshi Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 26.11.2020.

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

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O.A. No. 386/2020

(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 26.11.2020.

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

VICE CHAIRMAN

SAS/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 389 OF 2020
(Smt. Radhika S. Khare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 26.11.2020.

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.

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O.A. No. 389/2020

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 26.11.2020.

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

VICE CHAIRMAN

SAS/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 390 OF 2020
(Smt. Aashatai P. Metkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the applicant and Smt. P.R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 26.11.2020.

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

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

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

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O.A. No. 390/2020

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 26.11.2020.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

SAS/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 387 OF 2020
(Shri Ajay R. More Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 23.11.2020.

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

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

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

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O.A. No. 387/2020

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 23.11.2020.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

SAS/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 573 OF 2019
(Dr. Eknath D. Male Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 05.10.2020

ORAL ORDER :

Heard Shri S.B. Patil, learned Advocate for the applicant, Shri M.P. Gude, Learned Presenting Officer for the respondent Nos.1 & 2 and Shri A.S. Deshmukh, learned Advocate for the Respondent No.3.

2. The present matter is removed from the board.

VICE CHAIRMAN

SAS/ORAL ORDERS 05.10.2020

ORIGINAL APPLICATION NO. 143 OF 2020
(Khan Yusuf Fatte Khan Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
[This case has been placed before the
Single Bench due to non-availability of
the Division Bench

DATE : 05.10.2020

ORAL ORDER :

Heard Shri Abhijit V. Thombre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 11.03.2020, he obtained notices from the office of this Tribunal on 13.03.2020 and posted the same with the post office for service upon the respondents. However, due to lockdown on account of Corona Pandemic the track report could not be obtained from the postal department and now it is not available.

3. Thus, the learned Advocate for the applicant wants to serve fresh notices upon the respondents. Hence, issue fresh notices to the respondents, returnable on 02.11.2020.

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 02.11.2020.

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

VICE CHAIRMAN

M.A.NO. 99/2020 IN O.A.ST.NO. 283/2020
(Swati S. Maknikar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
[This case has been placed before the
Single Bench due to non-availability of
the Division Bench

DATE : 05.10.2020

ORAL ORDER :

Heard Shri R.D. Biradar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 18.02.2020, he obtained notices from the office of this Tribunal on 24.02.2020 and posted the same with the post office for service upon the respondents. However, due to lockdown on account of Corona Pandemic the track report could not be obtained from the postal department and now it is not available.

3. Thus, the learned Advocate for the applicant wants to serve fresh notices upon the respondents. Hence, issue fresh notices to the respondents, returnable on 02.11.2020.

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

**:: - 2 - :: M.A.NO. 99/2020 IN
O.A.ST.NO. 283/2020**

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 02.11.2020.

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

VICE CHAIRMAN

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

CORAM : B. P. PATIL, VICE CHAIRMAN

[This case has been placed before the
Single Bench due to non-availability of the
Division Bench

DATE : 05.10.2020

ORAL ORDER :

Heard Shri Yogesh H. Jadhav, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1 to 3.

2. Learned Advocate Shri Datta Madake appeared today and submits that he is appearing on behalf of respondent No. 19 and he has filed **VAKALATNAMA** along with affidavit in reply on his behalf and the same is taken on record and copy of affidavit in reply has been served on the other side.

3. It is submitted by the learned Advocate for the applicant that as per order dated 21.09.2020, he obtained fresh notices from the office of this Tribunal on 21.09.2020 and posted the same with the post office for service upon the respondents on 23.09.2020. According to him, he has obtained service report of respondent Nos. 2, 3, 4, 7, 9, 18 & 19. However, the service report of other respondents i.e. respondent

Nos. 1,5, 6, 8 and 10 to 17 is not available, but he will file the same as soon as it is made available. He is filing the service affidavit regarding respondent Nos. 2, 3, 4, 7, 9, 18 & 19 today as there were holidays on 2nd, 3rd & 4th October, 2020.

4. Service affidavit regarding respondent Nos. 2, 3, 4, 7, 9, 18 & 19 is accepted and taken on record. Learned Advocate for the applicant undertakes to file service affidavit regarding respondent Nos. 1,5, 6, 8 and 10 to 17 after service report is made available.

5. In view thereof, S.O. to 19.10.2020 for filing service affidavit regarding respondent Nos. 1,5, 6, 8 and 10 to 17 by the learned Advocate for the applicant.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 690/2018
(Prمود A. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 5.10.2020

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to take instructions from the concerned respondents regarding the present status of the departmental enquiry initiated against the applicant. Time granted.

3. In the circumstances, S.O. to 29.10.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 5.10.2020

ORIGINAL APPLICATION NO. 397/2020
(Raju N. Bhujbal Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
DATE : 5.10.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3 and Shri S.D. Joshi, learned Advocate for respondent no. 4.

2. Learned Advocate for the applicant has filed on record the copy of the Government Notification dtd. 7.12.2019 regarding the public holidays for the year 2020. So also, the learned C.P.O. has also placed on record copies of orders dtd. 2.10.2020 passed by the respective respondents regarding relieving of the applicant from the present posting. The said documents are taken on record and marked as document 'X' collectively for the purpose of identification.

3. Shri Mahajan, learned C.P.O. and Shri Joshi, learned Advocate waives service of notice for respondent nos. 1 to 3 and respondent no. 4 respectively. They both have submitted that the respondent nos. 1 to 3 and respondent no. 4 are going to file their detailed affidavit in reply by the next date. They also undertook to supply copy of affidavit in reply of the respective respondents to the learned Advocate for the applicant in advance.

4. In view of the submissions of the learned Advocate for the applicant, learned C.P.O. for respondent nos. 1 to 3 and the learned Advocate for respondent no. 4, S.O. to 15.10.2020 for filing detailed affidavit in reply by the respective respondents, with an understanding to the respondents that on the next date the matter would be heard finally.

5. Learned C.P.O. is directed to produce the original record regarding the transfer of the applicant before this Tribunal for perusal.

6. S.O. to 15.10.2020.

VICE CHAIRMAN

O.A. NO. 261/2020 WITH CAVEAT 15 & 12/2020
(Parag M. Nawalkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 5.10.2020

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2 and Shri Sachin S. Randive, learned Advocate for respondent no. 3.

2. Arguments of both the sides are heard at a length. The matter is reserved for orders.

VICE CHAIRMAN

ARJ ORAL ORDERS 5.10.2020

ORIGINAL APPLICATION NO. 374/2020
(Amol M. Khade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
DATE : 5.10.2020

ORAL ORDER :

Heard Shri N.L. Choudhary, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. During the course of argument this Tribunal noticed that the learned Advocate for the applicant is unnecessary raising his voice. Therefore, this Tribunal requested the learned Advocate for the applicant for not raising his sound while arguing the present matter. In spite of the above request the learned Advocate raised his voice.

3. In the above circumstances, it is just and proper to place the present matter before another bench for hearing.

4. Hence, the office is directed not to place the present matter before the bench to which Shri B.P. Patil, Vice Chairman is a member.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 399/2020
(Pandurang S. Borgaonkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
DATE : 5.10.2020

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned C.P.O. seeks time to take instructions from the concerned respondents as regards the transfer of the applicant. Time granted.

3. In the circumstances, S.O. to 12.10.2020. In the meanwhile the respondents shall not relieve the applicant from the present post.

VICE CHAIRMAN

ARJ ORAL ORDERS 5.10.2020

ORIGINAL APPLICATION NO. 402/2020
(Surendra J. Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
DATE : 5.10.2020

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 3. None appears for respondent no. 4.

2. The applicant has challenged the impugned order dtd. 1.10.2020 passed by the respondent no. 1 by which the respondent no. 4 has been transferred from the post of Tahsildar, Non-Agricultural (Akrushik), Collector Office, Aurangabad in his place and wherein it is mentioned that separate transfer and posting order of the applicant will be issued. Learned Advocate for the applicant has submitted that the applicant has joined the post of Tahsildar at Phulambri, Dist. Aurangabad on 25.2.2019. He has submitted that the applicant has not completed the normal tenure of his posting. But the respondents issued the impugned order under section 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short the Transfer Act,

2005) to accommodate the respondent no. 4. He has submitted that the applicant has not been transferred from the present post. He has further submitted that the impugned transfer of the respondent no. 4 is against the provisions of the Transfer Act, 2005.

3. Learned Presenting Officer for the respondent nos. 1 to 3 has submitted that the respondent no. 4 has joined the post of Tahsildar at Phulambri, Dist. Aurangabad on 2.10.2020 and therefore no question of granting interim stay to the impugned order arises.

4. On perusal of the record, it reveals that the applicant has not completed the normal tenure of his posting on the present post. It further reveals from the record that no transfer order of the applicant from the present post of Tahsildar, Phulambri, Dist. Aurangabad has been issued by the respondents. The impugned transfer order of the respondent no. 4 has been issued under section 4(5) of the Transfer Act, 2005. There is nothing on record to show that the applicant has been relieved from the present post. Prima-facie, the respondent no. 4 has been posted in place of the applicant without effecting the transfer of the applicant. Therefore, the impugned transfer order

of the respondent no. 4 is in violation of the provisions of the Transfer Act, 2005. Therefore, it requires to be stayed till filing of affidavit in reply by the respondents.

5. In the circumstances, the impugned transfer order dtd. 1.10.2020 passed by the respondent no. 1 by which the respondent no. 4 has been transferred from the post of Tahsildar, Non-Agricultural (Akrushik), Collector Office, Aurangabad in place of the applicant at Phulambri, Dist. Aurangabad is stayed till filing of the affidavit in reply by the respondents.

6. Issue notice to respondents, returnable on 19.11.2020.

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

8. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that

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O.A. NO. 402/2020

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

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

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

11. S.O. to 19.11.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 5.10.2020

ORIGINAL APPLICATION NO. 405 OF 2020
(Sandeep G. Patil Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020

ORAL ORDER :

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

2. The applicant has challenged the impugned order dated 01.10.2020 issued by the respondent No. 1; by which respondent No. 3 namely Smt. Varsharani Bhosle-Netke, Deputy Collector (EGS), Collector Office, Aurangabad has been posted at his place and wherein it has been mentioned that separate order regarding transfer of the applicant will be issued.

3. Learned Advocate for the applicant has submitted that the applicant has joined the present posting i.e. as Deputy Collector (Land Acquisition), Aurangabad by an order dated 04.10.2018 (Annexure "A-1", page-10). He has not completed his normal tenure of posting at the present posting. He has submitted that the respondent No. 3 has been posted at his place by the impugned order dated 01.10.2020 (Annexure 'A-3', page-16) in view of the Section 4 (5) of the Maharashtra Government Servants Regulation of

Transfers and Prevention of Delay In Discharge of Official Duties Act, 2005 (for short “the Transfer Act of 2005) on her request. He has submitted that no order regarding transfer and posting of the applicant has been issued till today. The applicant has not yet been relieved from his present posting. He has submitted that the transfer order is issued in violation of the Transfer Act of 2005. Therefore, he has submitted that the interim relief may be granted in favour of the applicant.

4. Learned Presenting Officer for the respondents has submitted that the respondent No. 3 has already been joined on the post of the applicant on 02.10.2020. Therefore, no question of granting the stay to the impugned order arises. Therefore, he has filed the relieving order dated 02.10.2020 and the same is taken on record and marked as document ‘X’ for the purpose of identification.

5. On perusal of the record it *prima- facie* reveals that the applicant has not completed normal tenure on the post of Deputy Collector (Land Acquisition) at Aurangabad. He is not due for transfer. The impugned order is issued under Section 4 (5) of the

Transfer Act of 2005 and the respondent No. 3 has been transferred and posted on the post of the applicant on her request. No transfer and posting order of the applicant has been issued. There is nothing on record to show that the applicant has been relieved from the present posting. *Prima-facie*, it seems that the impugned order is issued in violation of the Transfer Act of 2005. Therefore, in my view, it is a fit case to stay the execution and operation of the impugned transfer order.

6. In view of the above, execution and operation of the impugned order dated 01.10.2020 (Annexure "A-3", page-16) to the extent of respondent No. 3 is stayed till filing of the affidavit in reply by the respondents.

7. Issue notices to the respondents, returnable on 19.11.2020.

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

9. 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

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O.A.NO. 405/2020

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 19.11.2020.

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

VICE CHAIRMAN

ORAL ORDERS 05.10.2020-HDD

**ORIGINAL APPLICATION NO. 406 OF 2020
(Anil Jalu Gavit Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020

ORAL ORDER :

Heard Shri V.H. Dighe, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 05.11.2020.

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

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

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

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O.A.NO. 406/2020

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 05.11.2020.

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

VICE CHAIRMAN

ORAL ORDERS 05.10.2020-HDD

O.A.NO. 400/2020 WITH CAVEAT 74/2020
(Dr. Dnyanoba P. Banapure Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 05.10.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri K.G. Salunke, learned Advocate for Caveator / respondent No. 4.

2. The applicant has challenged the impugned order dated 01.10.2020 (Annexure "A-2", page-14) by which respondent No. 4 viz. Rameshwar Rodge has been posted at his place and wherein it has been mentioned that the separate order regarding transfer of the applicant will be issued.

3. Learned Advocate for the applicant has submitted that the impugned order has been issued by the respondents posting the respondent No. 4 at his place without issuing transfer and posting order of the applicant. He has submitted that the applicant has not yet been relieved and at present he is on duty and he is visiting at CORONA Centre at Bajaj Nagar, Aurangabad.

4. Learned Presenting Officer and learned Advocate for respondent No. 4 both have submitted that the applicant has been relieved and the respondent No. 4 has taken the charge of the post of the applicant today. Learned Chief Presenting Officer, on instructions from Shri Jaybhaye, Residential Deputy Collector, Aurangabad, states that the applicant has been relieved today and, therefore, he prayed to reject the prayer of the applicant for grant of interim relief.

5. Learned Advocate for the respondent No. 4 has submitted that the impugned order has been issued under Section 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay In Discharge of Official Duties Act, 2005 (for short "the Transfer Act of 2005) and, therefore, he prayed to reject the prayer of the applicant regarding grant of interim relief.

6. On perusal of the record it reveals that the applicant has been posted at Aurangabad from Vasmat by an order dated 08.06.2018 (Annexure "A-1", page-13). He has not completed normal tenure of posting at Aurangabad. The respondent No. 4 has been transferred and posted at the place of the

applicant by the impugned order without transfer and posting of the applicant. It seems that the impugned order has been issued to accommodate the respondent No. 4 and he has been transferred and posted at the place of the applicant on his request. No transfer and posting order of the applicant has been issued till today. There is nothing on record to show that the applicant has been relieved from the present post. *Prima-facie*, it seems that the impugned order is issued in violation of the provisions of the Transfer Act of 2005. Therefore, in my view it is fit case to stay the execution and operation of the impugned order.

7. In view of the above, the execution and operation of the impugned order dated 01.10.2020 (Annexure "A-2", page-14) so far transfer of the respondent No. 4 is stayed till filing of the affidavit in reply by the respondents.

8. Issue notices to the respondents, returnable on 29.10.2020.

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

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O.A.NO. 400/2020

10. 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.

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

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

13. S.O. to 29.10.2020.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 403/2020
(Atul T. Jatale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
DATE : 5.10.2020

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 3. None appears for respondent no. 4.

2. The applicant has challenged the impugned order dtd. 1.10.2020 passed by the respondent no. 1 by which the respondent no. 4 has been transferred from the post of Tahsildar, Bhoom, Dist. Osmanabad in his place and wherein it is mentioned that separate transfer and posting order of the applicant will be issued.

3. Learned Advocate for the applicant has submitted that the applicant has joined the post of Tahsildar at Shirur Anantpal, Dist. Latur on 22.2.2019. He has submitted that the applicant has not completed his normal tenure of posting there. But the respondents issued the impugned order under section 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in

Discharge of Official Duties Act, 2005 (for short the Transfer Act, 2005) to accommodate the respondent no. 4. He has submitted that the applicant has not been transferred from the present post. He has further submitted that the impugned transfer of the respondent no. 4 is against the provisions of the Transfer Act, 2005.

4. Learned Presenting Officer for the respondent nos. 1 to 3 has submitted that she has no instructions from the respondents as regards joining of the respondent no. 4 on the transferred post. She therefore seeks time to take instructions from the respondents in this regard.

5. On perusal of the record, it reveals that the applicant has not completed the normal tenure of his posting on the present post. It further reveals from the record that no transfer order of the applicant from the present post of Tahsildar, Shirur Anantpal, Dist. Latur has been issued by the respondents. The impugned transfer order of the respondent no. 4 has been issued under section 4(5) of the Transfer Act, 2005. There is nothing on record to show that the applicant has been relieved from the present post.

Prima-facie, it seems that the respondent no. 4 has been posted in place of the applicant without effecting the transfer of the applicant. Prima-facie, the impugned transfer order of the respondent no. 4 seems to be in violation of the provisions of the Transfer Act, 2005. Therefore, it requires to be stayed till filing of affidavit in reply by the respondents.

6. In the circumstances, the impugned transfer order dtd. 1.10.2020 passed by the respondent no. 1 by which the respondent no. 4 has been transferred from the post of Tahsildar, Boom, Dist. Osmanabad in place of the applicant at Shirur Anantpal, Dist. Latur is stayed till filing of the affidavit in reply by the respondents.

7. Issue notice to respondents, returnable on 19.11.2020.

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

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

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O.A. NO. 403/2020

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 19.11.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 5.10.2020