

ORIGINAL APPLICATION NO. 190 OF 2020
(Shri Rajendra S. Aware Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.09.2020.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 15.10.2020.

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

//2//

O.A. No. 190/2020

(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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 15.10.2020.

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

VICE CHAIRMAN

KPB ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO. 203 OF 2020
(Shri Babu H. Nagargoje Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.09.2020.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 15.10.2020.

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

//2//

O.A. No. 203/2020

(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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 15.10.2020.

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

VICE CHAIRMAN

KPB ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO. 271 OF 2020
(Shri Siddarth M. Kadam Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.09.2020.

ORAL ORDER :

Heard Shri V.B. Wagh, 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 15.10.2020.

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

//2//

O.A. No. 271/2020

(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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 15.10.2020.

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

VICE CHAIRMAN

KPB ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO. 331 OF 2020
(Shri Santosh B. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.09.2020.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 15.10.2020.

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

//2//

O.A. No. 331/2020

(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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 15.10.2020.

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

VICE CHAIRMAN

KPB ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION ST. NO. 845 OF 2020
(Shri Amit S. Tandale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of
Division Bench.]

DATE : 10.09.2020.

ORAL ORDER :

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

2. At the request of learned Chief Presenting Officer
for the respondents, S.O. to 21.09.2020.

VICE CHAIRMAN

M.A. St. No. 568/2020 in O.A. St. No. 105/2020
(Shri Vasant S. Patil Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of
Division Bench.]

DATE : 10.09.2020.

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for
the applicant and Shri N.U. Yadav, learned Presenting
Officer for the respondents.

2. Learned Advocate for the applicant seeks time to
file amendment application.

3. In view thereof, the present O.A. is removed from
the board.

VICE CHAIRMAN

KPB ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO. 181 OF 2020
(Shri Rajesh H. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench.]

DATE : 10.09.2020.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri A.P. Basarkar, learned Advocate for respondent Nos. 3 to 5.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 1. Time granted as a last chance.

3. S.O. to 24.09.2020. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 332 OF 2020
(Shri Sunil P. Ghongade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020.

ORAL ORDER :

Heard Shri A.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 applicant has been transferred from Jalgaon to Yeotmal. He has submitted that in view of the G.R. dated 11.07.2000, the applicant ought to have posted on the place of his choice, as he is working in the tribal area for more than three years. But the respondents had not considered the said aspect and transferred him from Jalgaon to Yeotmal to accommodate the respondent No. 3. He has submitted that the transfer of respondent No. 4 is made in violation of the provisions of the Transfer Act, 2005, though he was not due for transfer. He has submitted that the applicant has already been relieved from the present post of District Superintendent of Land Records, Jalgaon on 12.08.2020 and charge has been kept with his subordinate officer. Therefore, he has prayed to grant interim relief and to direct the

//2//

O.A. No. 332/2020

respondents to allow him to work on the earlier place i.e. at Jalgaon till further decision of the present O.A.

3. Learned Chief Presenting Officer has submitted that the applicant has been transferred on completion of his tenure at Jalgaon. He has submitted that the transfer of the applicant has been made by following the provisions of the Transfer Act, 2005 and there is no illegality in it. He has submitted the applicant has already been relieved from the present posting on 12.08.2020 and one Shri R.D. Kapone has been in-charge of the said post and therefore, no question of granting stay to the impugned order arise. Therefore, he has prayed to reject the interim relief as prayed for by the applicant.

4. On perusal of the record, it reveals that the applicant has been transferred on completion of his normal tenure of posting. He has been relieved from the present posting on 12.08.2020. Prima-facie, there is no illegality in the impugned order. Hence, no question of granting stay to impugned order arises. Hence, the request of the applicant to grant interim relief is rejected.

5. Issue notices to the respondents, returnable on 12.10.2020.
6. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

//4//

O.A. No. 332/2020

10. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

11. S.O. to 12.10.2020.

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

VICE CHAIRMAN

KPB ORAL ORDERS 10.09.2020

M.A.NO.454/2019 IN O.A.ST.NO.1892/2019
(D.B.Sanap Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 08.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.175/2020
(Rajiv Jamodkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

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

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

3. S.O. to 15.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

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

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri K.B.Jadhav learned Advocate for the applicant and Smt. M.S.Patni learned Presenting Officer for the respondents.

2. Learned P.O files affidavit in reply on behalf of respondent no.3. It is taken on record. Copy thereof has been served on the other side. Learned P.O. states that reply of respondent nos.1 and 2 is not necessary.

3. Learned Advocate for the applicant has prayed for time for filing affidavit in rejoinder. Time is granted.

4. S.O. to 05.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

**M.A.NO.200/2020 IN M.A.NO.506/2018 IN
O.A.ST.NO.1951/2018
(Sajed Khan Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 10.09.2020

ORAL ORDER :

Heard Shri K.B.Jadhav learned Advocate holding for Shri R.N.Bharaswadkar learned Advocate for the applicant, Smt. M.S.Patni learned Presenting Officer for the respondents and Shri V.G.Pingle learned Advocate for respondent no.7.

2. Shri V.G.Pingle learned Advocate has filed Vakalatnama on behalf of respondent no.7. It is taken on record.

3. At the request of learned Advocate for the applicant, S.O. to 15-10-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.1099/2019
(Ramraje Pawar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri K.G.Salunke learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted as a last chance.

3. S.O. to 28.09.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.77/2020
(Mahesh S. Khedkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri C.T.Jadhav 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 15.10.2020.

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.

=2= O.A.No.77/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 15.10.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.251/2020
(Sandu Magar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 15.10.2020.

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.

=2= O.A.No.251/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 15.10.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.306/2020
(P.L.Deore Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri V.B.Wagh 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 15.10.2020.

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.

=2= O.A.No.306/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 12.10.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.309/2020
(C.Y.Bansode Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri S.R.Palnitkar learned Advocate holding for Shri M.A.Golegaonkar learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 15.10.2020.

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.

=2= O.A.No.309/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 15.10.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.321/2020
(Dr. Ramesh Khandare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri Shamsundar B. 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 12.10.2020.

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.

=2= O.A.No.321/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 12.10.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.326/2020
(Anil Ubale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri G.J.Karne learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to produce certain documents on record. Time is granted.

3. Case be removed from the board.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.868/2019
(Dr. Suryakant Lonikar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. Learned P.O. has produced communication dated 27-08-2020 regarding posting of the applicant. It is taken on record.

3. Learned Advocate for the applicant on instructions states that the applicant is satisfied with the communication produced by the respondents. Therefore, he does not want to proceed with the matter and prayed to dispose of the O.A.

4. In view of the submission of the learned Advocate for the applicant, O.A. is disposed of with no order as to costs.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.06/2020
(Chandu Gavit Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri S.G.Kulkarni learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. Learned P.O. has produced a copy of communication received from the Collector, Nandurbar dated 09-09-2020. Same is taken on record.

3. Learned P.O. on instructions received from Shri Ulhas Bhaidas Deore, Tahsildar (Revenue), Collector Office, Nandurbar, who is present in person, states that the respondent no.2 Collector, Nandurbar is going to reconsider the case of the applicant and withdraw the impugned transfer order and post the applicant at Navapur within a week i.e. on or before 16-09-2020.

4. Learned Advocate for the applicant has submitted that since the respondents are going to post the applicant at Navapur, the applicant does not want to proceed with the O.A. and prays to dispose of the O.A.

=2= O.A.No.06/2020

5. In view of the submissions of the learned Advocate for the applicant as well as the learned P.O. and in view of the communication of the respondents it is evident that the respondents are ready to post the applicant at Navapur. Nothing remains in the matter. Therefore, O.A. stands disposed of with no order as to costs.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.30/2020
(Prashant Kachhawa Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

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

2. Learned P.O. seeks time to take instructions from the respondents regarding payment of salary to the applicant.

3. Two weeks' time is granted to the learned P.O. to take instructions from the respondents as regards payment of salary of suspension period to the applicant.

4. S.O. to 28.09.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.178/2020
(Prashant Supekar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri M.K.Bhosle learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for the respondents.

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

3. S.O. to 01.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.179/2020
(Arun Gaware Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri Sunil B. Jadhav learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for the respondents and Shri A.B.Gaikwad learned Advocate for respondent no.4.

2. Learned Advocate for respondent no.4 seeks time to file affidavit in reply. Time is granted as a most last chance.

3. S.O. to 21.09.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.182/2020
(Dr. Naresh Deonikar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Shri J.S.Deshmukh learned Advocate for the applicant is **absent**. Shri S.K.Shirse learned Presenting Officer for the respondents is present.

2. None is present for the applicant. Service affidavit is not filed.

3. Case be placed for passing dismissal order on 12.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO.186/2020
(Sachin Kendre Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.09.2020

ORAL ORDER :

Heard Shri Ajit B. Kale learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for the respondents and Shri Shrinivas Ambad learned Advocate for respondent no.5.

2. Learned P.O. files affidavit in reply on behalf of the respondent nos.2 to 4. It is taken on record.

3. Learned P.O. states that reply of respondent no.1 is not necessary.

4. Learned Advocate for respondent no.5 seeks time to file affidavit in reply. Time is granted.

5. S.O. to 12.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 10.09.2020

ORIGINAL APPLICATION NO. 255/2020
(Sow. Vijays D. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.9.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted that in view of the impugned order the applicant has joined at Akrani, Tq. Akrani, Dist Nandurbar and the respondent no. 3 has also joined at I.T.I., Bhusaval. The applicant has no grievance regarding the impugned order and therefore he does not want to press the prayer clause VIII (B) of the O.A. Therefore, he submitted that the applicant is simply seeking the prayer clause VIII (C), which is as under :-

“(C) Further by issuing appropriate directions the respondents may be directed to consider the claim of applicant for request transfer on vacant post available in Jalgaon & Nashik districts, pursuant to application dated 20.7.2020 filed by the applicant.”

3. Learned Advocate for the applicant has submitted that the respondent no. 1 may be directed to take appropriate decision as per the rules on the

representation of the applicant dated 20.7.2020 within the reasonable time and with the said directions the O.A. may be disposed of.

4. Learned P.O. submits that reasonable time may be given to the respondents to decide the representation of the applicant dated 20.7.2020 as per the rules and merit, and by giving such directions to the respondents the present O.A. may be disposed of.

5. In view of the above submissions made by the learned Advocate for the applicant and learned P.O. for the respondents the present O.A. is disposed of with a direction to the respondent no. 1 to take appropriate decision on the representation submitted by the applicant dated 20.7.2020 within a period of 3 months from the date of this order strictly on merit and as per the rules and communicate the decision thereof to the applicant in writing. There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 269/2020
(Narayan P. Kawthalkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.9.2020

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. As per the report of the registry dated 8.9.2020, the respondent nos. 1 & 2 are served and the service on respondent no. 3 is awaited.

3. Learned P.O. seeks time to file affidavit in reply of respondent nos. 1 & 2. Time granted.

4. At the request of learned Advocate for the applicant, issue fresh notice to the respondent no. 3, returnable on 8.10.2020.

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

::-2-::

O.A. NO. 269/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

10. S.O. to 8.10.2020.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 97/2020
(Tukaram V. Sanap Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.9.2020

ORAL ORDER :

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

2. Today the learned Advocate for the applicant has filed affidavit regarding service of notices on the respondents. Registry is directed to accept the service the said service report.

3. Learned P.O. seeks time to file affidavit in reply of the respondents. Time granted.

4. In the circumstances, S.O. to 12.10.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.9.2020

M.A. 18/2020 IN O.A. 81/2018

(Sayed Wali Abdul Khadar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.9.2020

ORAL ORDER :

Heard Shri L.S. Shaikh, learned Advocate holding for Shri D.A. Bide, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Issue fresh notices to the respondents in the present M.A., returnable on 15.10.2020.

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.

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 15.10.2020.

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

VICE CHAIRMAN

**M.A. 221/2020 WITH M.A. 213/2020 IN O.A.
260/2020**

(Rajendra P. Andhale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.9.2020

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant in M.A. no. 221/2020 / applicant in O.A., Shri M.P. Gude, learned Presenting Officer for the respondent no. 1 in M.A. 221/2020 and Shri Avinash Deshmukh, learned Advocate for respondent no. 1 in M.A. no. 221/2020 / applicant in M.A. no. 213/2020.

2. Learned P.O. for respondent no. 1 as well as learned Advocate for respondent no. 2 in the present M.A. no. 221/2020 has submitted that they have no objection to allow the present M.A. filed by the applicant for adding the party respondent in the O.A.

3. In view of the submission of the learned P.O. for respondent no. 1 as well as learned Advocate for respondent no. 2 in M.A. no. 221/2020, it is allowed. The applicant shall amend the O.A. as per the draft amendment on or before 14.9.2020 and copy of amended O.A. be supplied to other side.

::-2-::

**MA 221/2020 WITH M.A. 213/2020
IN O.A. 260/2020**

4. In view of the above, M.A. no. 221/2020 stands disposed of without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.9.2020

M.A. 213/2020 IN O.A. 260/2020
(Rajendra B. Bakare Vs. Rajendra P. Andhale & State of
Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.9.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant in M.A. no. 213/2020, Shri M.P. Gude, learned Presenting Officer for the respondent no. 2 and Shri V.B. Wagh, learned Advocate for respondent no. 1 in M.A. no. 213/2020 / applicant in O.A.

2. Learned P.O. files affidavit in reply of respondent in M.A. & O.A. The same are taken on record and copies thereof are supplied to other side.

3. Learned P.O. seeks time to take instructions from the respondent. Time granted as a last chance. However, it is made clear that on the next the M.A. & O.A. will be head finally.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.9.2020

O.A. NOS. 86, 118, 278 AND 421 ALL OF 2019
(Bhimrao S. Pawar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.9.2020

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicants in all these matters and Shri D.R. Patil, learned Presenting Officer for the respondents in all these matters.

2. With the consent of both the sides, S.O. to 8.10.2020 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.9.2020

ORIGINAL APPLICATION NO. 89/2019
(Rajendra A. Jehurkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.9.2020

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent nos. 1 to 3 and Shri V.B. Wagh, learned Advocate for respondent no. 4.

2. At the request of learned Presenting Officer, S.O. to 21.9.2020 as a last chance for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.9.2020

ORIGINAL APPLICATION NO. 183/2019
(Pandurang V. Arke Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.9.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time to take instructions from the applicant on the line of order dtd. 22.7.2020. Time granted as a last chance.
3. In the circumstances, S.O. to 12.10.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.9.2020

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

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 10.9.2020

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 & 2 and Shri Sunil B. Jadhav, learned Advocate for respondent no. 3.

2. Learned C.P.O. seeks time to take instructions from the concerned respondents on the line of order dated 20.8.2020. Time granted as a last chance.

3. In the circumstances, S.O. to 14.9.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.9.2020