

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

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

Before: - Court On Leave

Date: -11/07/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	OA570/23	Hingoli	Adv.V.B. Wagh (Dr. Rajmohan N Peddapallikar)	Continuation of Service		06.09.2023
2	OA583/23	Beed	Adv.H.P. Jadhav (Machindra M Mane)	Promotion	Circulation	25.07.2023
3	OA472/22	Latur	Adv.A.B. Rajkar (Pandhari G Devershe)	Examination/ Eligibility	Circulation Reply Filed by R-1	27.07.2023
Order Matters						
4	MA239/23 In MA359/22 In OA729/222	Jalna	Adv.V.B. Waghin MA239/23 in OA729/22 (Dnyaneshwar B Jadhav&Ors.) Adv.Amol B Chalakin MA359/22 (Pavansing M Chungda&Ors.)	M.A.239/23 For Direction M.A.359/22 For Interventiton		18.07.2023
5	MA256/23 In OA670/22	A'bad	Adv.V.B. Wagh (Dr. Rajeshree N Agarwal)	M.A. For Direction		20.07.2023
6	MA257/23 In MA563/22 In OA730/22	Beed	Adv.V.G. Pingle In MA257/23 in OA730/22 (Gajanan P Chaudhari&Ors.) <u>Adv.R.A. Joshi For Intervenor in MA563/22</u> (Bhausahab R Bhosale&Ors.)	M.A.257/23 For Direction M.A.563/22 For Intervenor		18.07.2023

7	MA269/23 In OA184/18	A'bad	Adv.V.B. Wagh (Swanidas V Chobe)	M.A. For Amendment		23.08.2023
High On Board Matters						
8	OA504/20	O'bad	Adv.Shamsunder B Patil (Dr. Anita A Kadam)	Break In Service	<u>Part Heard</u> For Hearing Reply Filed by R-1 to R-4	22.08.2023
9	OA709/17	P'bhani	Adv.P.B. Rakhunde (Ramesh M Sonawane)	Departmental Enquiry/ Show Cause Notice/ Punishment	<u>For Expedited Hearing</u> Reply Filed by R-2 & R-3	22.08.2023
10	OA76/18	Beed	Adv.A.S. Deshmukh (Purushottam S Andhale and 5 Others) <u>Adv.L.M. Kulkarni For R.Nos.3 to 6 Adv.S.R. Shirsath for R.Nos.7 to 9</u>	Promotion/ Seniority	<u>For Expedited Hearing</u> Reply Filed by R-2 to R-9	23.08.2023
11	OA213/18	A'bad	Adv.Preeti R Wankhade (Balaji N Sontakke)	Promotion	<u>For Expedited Hearing</u> Reply Filed by R-2	24.08.2023
12	OA511/21	O'bad	Adv.A.D. Sugdare (Dr.Sujitkumar S Randive) <u>Adv.Vinod M Vibhute for R.No.5</u>	Continuity of Service/ Counting of Past Service	<u>For Expedited Hearing</u> Reply Filed by R-1 to R-4	24.08.2023
13	MA206/23 In OA211/22	A'bad	Adv.Shamsunder B Patil (Smita R Achme)	M.A. For I.R., Directions & Fixing date For Final Hearing	<u>For Expedited Hearing</u>	24.08.2023
14	OA93/19	A'bad	Adv.J.M. Murkute (Priyanka J Janephalkar)	Appointment	<u>High on Board</u> For Hearing Reply Filed by R-4	25.08.2023
15	OA222/23	Nanded/ A'bad	Adv.Ajay S Deshpande (Vijay U Awadhane&Ors.)	Seniority List	<u>High On Board</u> For Filing Affidavit in Rejoinder	01.08.2023

Due Admission Matters						
16	CP10/22 In OA191/21	A'nagar	Adv.R.J. Nirmal/ Adv.A.W. Khadse (Sandip W Khadse) <u>Adv.M.D. LonkarSpl.</u> <u>Counsel for the</u> <u>Respondents</u>	Contempt Petition	For Hearing Reply Filed by R-1	10.08.2023
17	OA872/18	A'nagar	Adv.Arvind G Ambetkar (Arun M Gir)	Departmental Enquiry	For Hearing Reply Filed by R-1 to R-5	28.08.2023
18	OA575/19	Beed	Adv.Santosh C Bhosale (Dr.Sachin D Shekde&Ors.)	Challenging G.R.	For Hearing	29.08.2023
19	OA56/21	A'bad	Adv.Vijay C Suradkar (Santosh S Kamble)	Termination	For Hearing Reply Filed by R-2 & R-3	20.09.2023
20	OA59/21	A'bad	Adv.Vijay C Suradkar (Baban S Ramfale)	Termination	For Hearing Reply Filed by R-2 & R-3	20.09.2023
21	OA150/21	P'bhani	Adv.Kakasaheb B Jadhav (Mayur P Chavan)	Termination	For Hearing Reply Filed by R-2 to R-6	04.09.2023
22	OA225/21	A'nagar	Adv.Santosh S Jadhavar (Surekha B Andhale)	Promotion	For Hearing Reply Filed by R-1 & R-2	30.08.2023
23	OA227/21	A'nagar	Adv.Santosh S Jadhavar (Surekha B Andhale&Ors)	Promotion	For Hearing Reply Filed by R-1 to R-3	30.08.2023
24	OA305/21	Dhule	Adv.Avinash S Deshmukh (Devidas G Nandgaonkar)	Promotion	For Hearing	24.08.2023
25	OA623/21	P'bhani	Adv.Preeti R Wankhade (Mehboobali Y Khan Pathan)	Promotion	For Hearing Reply Filed by R-2 to R-3	01.09.2023
26	OA688/21	A'bad	Adv.Santosh S Dambe (Eknath B Parmeshwar)	D.E./ Punishment	For Admission	01.09.2023

27	OA694/21	P'bhani	Adv.Amol B Chalak/ Adv.AnandDeshpande (Avinash G Chonde)	Termination	For Admisssion Reply Filed by R-2 to R-4	09.08.2023
28	OA254/22	A'nagar	Adv.R.J. Nirmal/ Adv.A.W. Khadse (Sandip W Khadse)	Promotion	For Hearing	10.08.2023
29	OA736/22	Beed	Adv.P.R. Wankhade (Dr.Pradeep A Shendge)	Advertisement	Reply Filed by R-1 to R-4	21.07.2023
30	OA943/22	A'bad	Adv.Avinash S Deshmukh (Balaji G Madaswar)	Departmental Enquiry	For Admission Reply Filed by R-1 to R-4	07.08.2023
31	OA946/22	A'bad	Adv.Avinash S Deshmukh (Madhukar V Kshirsagar)	Departmental Enquiry	For Admission Reply Filed by R-1 to R-4	07.08.2023
32	OA1098/22	N'bar	Adv.N.L. Chaudhari (Dr. Kishor S Agale)	Challenging Clause of G.R.	For Hearing	04.08.2023
33	OA365/23	Latur	Adv.Avinash S Deshmukh (Trupati V Andhare) <u>Adv.SachinDeshmukh For R.Nos. 3 to 7</u>	Challenging Rules	For Hearing Reply Filed by R-3 to R-7	08.08.2023
Final Hearing Matter						
34	OA404/17	A'bad	Adv.K.B. Jadhav (Ravindra R Mungale)	Departmental Enquiry/ Punishment	Reply filed by R-1 to R-5	10.08.2023
35	OA374/18	P'bhani	Adv.K.B. Jadhav (Girish B Deshmukh)	Promotion	Reply Filed by R-1 to R-4	29.09.2023
36	OA802/18	Hingoli	Adv.Sanjay B Bhosale (Jitendra B Mutyalu)	Termination	Reply Filed by R-2 to R-4	15.09.2023
37	OA79/19	Dhule	Adv.V.B. Wagh (Prakash F Patil)	Promotion	Reply Filed by R-1	15.09.2023

38	OA245/19	Beed	Adv.Hrshikesh V Tungar (Subhadra J Mahuwale)	Recovery/ Major Punishment	Reply Filed by R-1 & R-2	21.09.2023
39	OA374/19	A'bad	Adv.V.B. Wagh (Dr. Mohammad Sharif Bismilla Khan Pathan)	Voluntary Retirement	Reply Filed by R-1 to R-4	21.09.2023
40	OA55/20	J'gaon	Adv.A.S. Bayas (Bhagwan D Sonwane)	Condonation of Technical Breaks in Service/ Benefits of ACPS	Reply Filed by R-1 to R-4	21.09.2023

Hon'ble Divison Bench
(Reference Court)

Before: - **Court On Leave**

Date: -11/07/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	OA882/21 (Nagpur Bench)	Wardha	Adv.K.G. Salunke (Shaligram B Dudhe)	Recovery From Pension		20.07.2023

Hon'ble Division Bench

Before: - **Court On Leave**

Date: -11/07/2023 For Reply Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	CP20/23 In OA295/21	P'rbn	AdvJayant S Deshmukh (Dr. Zohra Sultana Ataullah)	Contempt Petition	Await Service R-2 to R-5	30.08.2023
2	CP21/23 In OA293/21	Nanded	AdvJayant S Deshmukh (Dr. Khan Bushra Sultana)	Contempt Petition	Await Service R-2 to R-5	30.08.2023

3	CP22/23 In OA294/21	P'rbn	AdvJayant S Deshmukh (Dr. ShaikhKaleem Mustafa)	Contempt Petition	Await Service R-2 to R-5	30.08.2023
4	CP23/23 In OA526/18	Latur	AdvJayant S Deshmukh (Dr. Prachi K Haridas)	Contempt Petition	Await Service R-2 to R-5	30.08.2023
5	CP24/23 In OA780/19	Jalna	AdvJayant S Deshmukh (Dr. ShaikhHeenaNavbahar)	Contempt Petition	Await Service R-2 to R-5	30.08.2023
6	CP39/23 In OA1005/22	A'bad	AdvPrashant M Nagargoje (Ganpat H Darade)	Contempt Petition	Await Service R-2	19.07.2023
7	OA137/22	Dhule	Adv A B Rajkar (Abhijit S Bhapkar)	Appointment	As a Last Chance For Filing Affidavit in Rejoinder	20.09.2023
8	OA169/22	Dhule	Adv.S.N. Suryawnashi (NisarKhaAbdullatifKha Pathan)	Charge Sheet/ Departmental Enquiry	As a Last Chance For Filing Affidavit in Rejoinder	31.08.2023
9	OA818/22	Latur	Adv.P.R. Wankhade (Dr. Pranita P Patil&Ors.)	Advertisement	Reply Filed By R-1,R-2, &R-4 & For Filing Affidavit in Rejoinder	21.07.2023
10	OA819/22	Latur	Adv.P.R. Wankhade (Dr. Dharmaraj A Dudde&Ors.)	Advertisement	Reply Filed By R-1, R-2, &R-4 & For Filing Affidavit in Rejoinder	21.07.2023
11	OA939/22	Nanded	Adv.P.S. Anerao (Santosh T Pawar&Ors.)	Seniority List	For Filing Affidavit in Rejoinder	28.07.2023
12	OA206/23	A'nagar	Adv.J.B. Choudhary (Anil R Jadhav)	Promotion	For Filing Affidavit in Reply	10.08.2023
13	OA207/23	A'nagar	Adv.J.B. Choudhary (Baliram T Barhe)	Promotion	For Filing Affidavit in Reply	10.08.2023
14	OA282/23	A'bad	Adv.P.M. Nagargoje (Vijay D Puri)	Compulsory Retirement	For Reply	27.07.2023
Order Matters						
15	MA166/23 In OAS191/21	Beed	Adv A S Shelke (Marathwada van VaSamajikVanikaranRoj andariVaKayamKamgar-	M.A For Condonation of Delay	For Filing Affidavit in Reply	30.08.2023

			KarmachariVaSarvaShramikSanghatanaShriUddhav G Mahanor)			
16	MA167/23 In OAS68/21	A'bad	Adv A S Shelke (SarvaShramikSangh Registration No. AWB- 822 President Harishchandra S Sonwane&Ors.)	M.A For Condonation of Delay	For Filing Affidavit in Reply	30.08.2023
17	MA168/23 In OAS241/21	A'bad	Adv A S Shelke (SarvaShramikSangh Through its President Harishchandra S Sonwane&Ors.)	M.A For Condonation of Delay	For Filing Affidavit in Reply	30.08.2023
18	MA169/23 In OAS246/21	A'bad	Adv A S Shelke (SarvaShramikSangh Through its President Harishchandra S Sonwane&Ors.)	M.A For Condonation of Delay	For Filing Affidavit in Reply	30.08.2023
19	MA170/23 In OAS274/21	Latur	Adv A S Shelke (MarathwadaSarvaShramikSanghtana Through its Joint Secretary UddhavNamdeoShinde &Ors.)	M.A For Condonation of Delay	For Filing Affidavit in Reply	30.08.2023

Hon'ble Single Bench

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -11/07/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Regular Admission Matters						
1	OA1056/19	Nanded	Adv.Amit A Mukhedkar (Rajkumar D Malshetwar)	Family Pension/ Pensionery Benefits	Remanded by High Court for Fresh Decision	08.08.2023

2	MA19/23 In OAS602/22	Nanded	Adv.C.R. Thorat (Bharat V Lahane)	M.A. For Condonation of Delay		23.08.2023
3	OA542/23	Nanded	Adv.A.D. Gawale (Radhabai E Jondhale)	Pension &Pensionery Benefits		23.08.2023
4	OA584/23	A'nagar	Adv.V.B. Anjanwatikar (Digambar D Pawar)	Transfer	Circulation	01.08.2023
5	OA585/23	Dhule	Adv.J.B. Choudhary (Dr.Jinendra M Jain)	Transfer	Circulation	25.07.2023
6	OA586/23	Nanded	Adv.K.B. Jadhav (Umesh R Kavle)	Transfer	Circulation	08.08.2023
7	OA587/23	N'bar	Adv.SD. Joshi (Dr.Manlal D Shelte)	Transfer	Circulation	25.07.2023
Order Matters						
8	MA197/20 In OAS637/20	J'gaon	Adv.A.M. Hajare (Ashok B Johare)	M.A. For Conodation of Delay	Reply Filed by R-1 to R-3	17.08.2023
9	MA299/20 In OAS1286/20	Hingoli	Adv.Amol A Kokad (Ram S Bajulge)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-4	01.08.2023
10	MA284/22 In MAST635/22 In OAST536/22	A'bad	Adv.Aniket V Patil (Anna B Holkar&Ors.)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-4	17.08.2023
Due Admission Matters						
11	OA1027/19	Dhule	Adv.Suchita A Dhongde (Arjun D Sonwane) <u>Adv.Ajay D Pawar for R.No.3</u>	Time Bound Promotion/ ACPS/ Benefit of G.R.	For Hearing Reply Filed by R-1, R-3 & R-4	17.08.2023
12	OA413/21	Nanded	Adv.J.M. Murkute (Pandhari S Ahankare)	Pension &Pensionery Benefits	For Hearing Reply Filed by R-2 & R-3	17.08.2023
13	OA433/21	A'bad	Adv.A.K. Mishra (Chabutai R Dudhe)	Family Pension	For Hearing Reply Filed by R-2 to R-5	17.08.2023
14	TA07/22 WP6055/22	A'bad	Adv.S.S. Thombre (Dr.Sunita C Dalvi)	Carrier Assured Progress Benefit	Reply Filed by R-1 to R-3	17.08.2023

15	OA987/22	A'bad	Adv.T.K. Rathod (Fatema Rahim Beg &Ors.)	Arrears of Wages	Reply Filed by R-1 to R-4	21.08.2023
16	OA1031/22	O'bad	Adv.A.S. Khedkar (Bharat B Kadlaskar)	Date of Birth	For Further Consideration	21.08.2023
17	OA01/23	J'gaon	Adv.C.V. Dharurkar (Shashikant J Ingle)	Suspension/ Reinstatement	For Hearing Reply Filed by R-2	18.07.2023
Final Hearing Matters						
18	OA688/18	Latur	Adv.A.D. Gadekar (Premnath G Kamble)	Refund of Recovered Amount	Reply Filed by R-1, R-2 & R-5	25.08.2023
19	OA689/18	Latur	Adv.A.D. Gadekar (Prakash S Kamble)	Refund of Recovered Amount	Reply Filed by R-1 & R-2	25.08.2023
20	OA408/19	A'bad	Adv.H.V. Tungar (Sandeep G Salve)	Direction	Reply Filed by R-1 to R-3	25.08.2023
21	OA945/19	Jalna	Adv.C.V. Dharurkar (Dr.Prashant D Warkari)	Salary	Reply Filed by R-1 to R-4	25.08.2023
22	OA982/19	A'bad	Adv.K.G. Salunke Adv.K.G. Salunke has Filed Leave Note From 10/07/2023 to 12/07/2023 (Govind Y Bharsakhale)	Recovery	Reply filed by R-1 to R-4	28.08.2023
23	OA1092/19	Nanded	Adv.C.R. Thorat (Dhanaji R Marakwad)	Transfer	Reply Filed by Respondent	28.08.2023
24	OA567/20	Beed	Adv.Prashant M Nagargoje (Rajendra V Marale)	Pay Scale As per G.R.	Reply Filed by & R-2	28.08.2023
25	OA262/21	Dhule	Adv.SuchitaDhongde (Kamalakar P Mahale)	Minor Punishment		28.08.2023
26	OA610/21	P'bhani	Adv.Vivek G Pingle (Madhukar K Jadhav)	Recovery/ Refund of Recovered Amount	Reply Filed by R-1 to R-3	28.08.2023
27	OA66/22	Nanded	Adv.K.B. Jadhav (Nathu N Khartade)	Deemd date of Promotion	Reply Filed by R-1 to R-4	28.08.2023

Hon'ble Single Bench

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -11/07/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA617/22	Jalgaon	Adv Tapan K Sant (Amol N Manore)	Compassionate Appointment	Await Service of Notice	07.08.2023
2	OA671/22	Dhule	Adv Suresh D Dhongde (Kiran S. Pawar)	Grant of Leave	By Way of One More Last Chance For Filing Affidavit in Reply Ref Order Dtd. 20.01.2023	07.08.2023
3	OA805/22	Jalna	Adv S Standale (Balu B Chopde)	Minor Punishment	For Filing Affidavit in Rejoinder	07.08.2023
4	OA936/22	Nanded	Adv Vishnu Y Patil (Ajay M Bhonge)	Compassionate Appointment	For Filing Affidavit in Rejoinder	08.08.2023
5	OA1080/22	A'bad	Adv.M.R. Kulkarni (Dr.Pradnya S Jadhav)	Continuation in Service	For Filing Affidavit in Reply	08.08.2023
6	OA1082/22	J'gaon	Adv.R.R. Wakekar (Bhimrao A Patil)	Increment	By Way Of Last Chance For Filing Affidavit in Reply	Disposed
7	OA66/23	A'bad	Adv A S Shelke (Bhaginath C Malakar)	Regularization	For Reply	09.08.2023
8	OA166/23	A'bad	Adv.AmrutaParanjape-Menezes (Sunil R Kharat)	Transfer	Await Service	09.08.2023
9	OA175/23	Jalna	Adv.D.R. IralePatil (Ramesh B Tekale)	Compassionate Appointment	Await Service R-3	24.08.2023

10	OA195/23	A'bad	Adv.S.S. Kulkarni/ Adv.Vivek U Rathod (Sharmila V Shinde)	Transfer	Reply Filed By R-1 & R-2	17.07.2023
11	OA264/23	Jalgaon	Adv J S Deshmukh (Dr.Vaishali A Phegade)	Cononation of Technical Break/ Annual Increments	Await Service	22.08.2023
12	OA265/23	Beed	Adv J S Deshmukh (Dr.Dipak S Raut)	Cononation of Technical Break/ Annual Increments	Await Service	22.08.2023
13	OA266/23	Jalgaon	Adv J S Deshmukh (Dr.Sudha R Choudhary)	Cononation of Technical Break/ Annual Increments	Await Service	22.08.2023
14	OA322/23	A'bad	AdvShrimantMundhe (Chhaya M Suradkar)	Directions / Benefits of T.B.P.& A.C.P.S	For Reply	14.08.2023
15	OA335/23	A'bad	Adv V B Wagh (Prakash F Patil)	Pension/Pay Fixation/ Suspension Period	Await Service	14.08.2023
16	OA432/23 With	P'rbn	Adv S D Joshi (Dr.Subhash P Pawar)	Transfer	Await Service R-1	21.07.2023
17	MA241/ 23 In OA436/23	P'rbn	AdvPoonam B Patil (Dr.Subhash P Pawar)	Transfer	Notice Not Collected	21.07.2023
18	OA433/23	N'bar	Adv S D Joshi (Dr.Shivaji J Rathod)	Transfer	For Reply	21.07.2023
19	OA457/23	A'bad	Adv S SKulkarni/ Adv N U Rathod (Nitin K Salunke)	Transfer	Await Service	14.08.2023
20	OA468/23	A'nagar	AdvJayant S Deshmukh (Dr.Prashant S Shelar)	Transfer	Await Service	04.08.2023
21	OA479/23	Nanded	Adv R N Bharaswadkar (Laxmikant V Deshpande)	Transfer/ Deputation	Await Service	17.08.2023
22	OA482/23	A'bad	Adv R P Bhumkar (Prashant M Sakoji)	Transfer	For Filing Affidavit in Reply	
Order Matters						
23	MA373/19 In OA980/18	A'bad	Adv A S Deshpande (Narayan K Vyas)	M.A. For Amendment	For Filing Affidavit in Rejoinder	18.08.2023

24	MA303/22 In OAS708/22	Nanded	Adv.S.M. Kamble (Nagnath M Adamankar)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	18.08.2023
25	MA420/22 In OAS1554/22	Nanded	Adv D B Pawar- Pathrekar/ AdvPrashantDeshmukh (Eknath M Bansode)	MA For Condonation of Delay	For Reply	18.08.2023
26	MA82/23 In OA957/22	A'bad	Adv.SuchitaDhongde (Manik S Desale&Ors.)	M.A. For Adding Party to O.A. as Co App.	For Reply	21.08.2023
27	MA86/23 In OAS347/23	Jalgaon	Adv Rahul Dhase (Nana T Ware)	MA For Condonation of Delay	For Reply	18.08.2023

ORIGINAL APPLICATION NO. 570 OF 2023

(Dr. Rajmohan Narsayya Peddapallikar Vs. the state of Maharashtra & Ors.)

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

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

DATE : 11.07.2023

ORAL ORDER :

Heard Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 06.09.2023.

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

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

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

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

7. S.O. to 06.09.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 583 OF 2023

(Machindra Maruti Mane Vs. the state of Maharashtra & Ors.)

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

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

DATE : 11.07.2023

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 25.07.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A. 583/2023

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. The respondents shall, in any case, file affidavit in reply on the given date having regard to the fact that as submitted by the applicant he will not be considered after he completes the age of 45 years on 4th August, 2023.

8. S.O. to 25.07.2023.

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

VICE CHAIRMAN

SAS ORAL ORDER 11.07.2023

ORIGINAL APPLICATION NO. 472 OF 2022

Pandhari Gopalrao Devershe ... Applicant

Vs.

The State of Maharashtra & Ors. ... Respondents

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

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

DATE : 11.07.2023

ORAL ORDER :

Heard Shri A.B. Rajkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The case of the present applicant is identical with the cases of applicants in O.A.St.No. 1136/2023, O.A.No. 360/2022, O.A.No. 523/2023, M.A.No. 294/2023 in O.A.No. 430/2022 and M.A.No. 293/2023 in O.A.No. 664/2022. The present applicant also has been included in the list of ineligible candidates. That issue can be considered at the time of final hearing. However, since the interviews are being held, this Tribunal has passed interim order in the aforesaid matters. Since the applicant stands at par with the applicants in the said applications, for the reasons

//2// O.A.No. 472/2022

recorded in the order dated 04.07.2023, the same relief deserves to be granted in favour of the present applicant. Hence the following order:-

ORDER

- (i) Issue notice to the respondents, returnable on 27.07.2023.
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- (iv) This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- (v) The service may be done by hand delivery, speed post, courier and

//3// O.A.No. 472/2022

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

(vi) The M.P.S.C. is directed to issue the interview letter to the applicant in this O.A. on his e-mail address, which has been provided by the applicant in his application form or on his WhatsApp and to permit the applicant to attend the interview on the date scheduled.

(vii) It is clarified that while the applicant shall be interviewed on merits, the result of the interview shall be subject to outcome of present Original Application.

(viii) Learned P.O. to communicate the present order to M.P.S.C. on Fax or by any other fastest mode of communication.

(ix) List the matter on 27.07.2023 for filing affidavit in reply by the respondents.

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

VICE CHAIRMAN

C.P.NO.39/2023 IN O.A.NO.1005/2022
(Ganpat Darade Vs. State of Maharashtra & Ors.)

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

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

DATE : 11-07-2023

ORAL ORDER :

Heard Shri P.M.Nagargoje, learned Counsel for
the applicant and Shri N.U.Yadav, learned
Presenting Officer for the respondent authorities.

2. Learned P.O. has tendered affidavit of
respondent no.3. Same is taken on record. Copy is
given to the learned Counsel for the applicant.
Learned Counsel submits that still the order passed
by the Tribunal has not been complied with by the
respondents. Learned P.O. submits that within a
week statement will be made after taking
instructions from the respondents.

3. Matter therefore stands adjourned to
19-07-2023.

VICE CHAIRMAN

YUK ORAL ORDER 11.07.2023

ORIGINAL APPLICATION NO.282/2023
(Vijay Puri Vs. State of Maharashtra & Ors.)

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

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

DATE : 11-07-2023

ORAL ORDER :

Heard Shri P.M.Nagargoje, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Learned P.O. has sought time to file affidavit in reply. Learned Counsel for the applicant submits that he does not have any objection for granting time for filing affidavit in reply. However, in the meanwhile period respondents may be directed to start paying salary to the applicant as observed by this Tribunal in the order dated 06-04-2023.

3. As has been observed by this Tribunal in the order dated 06-04-2023 respondents are directed to submit the compliance report within a week.

4. S.O. to 27-07-2023 for filing affidavit in reply.

VICE CHAIRMAN

**M.A.NO.239/2023 IN M.A.NO.359/2022 IN
O.A.NO.729/2022
(Dnyaneshwar B. Jadhav & Ors. Vs. State of Maharashtra &
Ors.)**

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

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

DATE : 11-07-2023

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the
applicant in M.A.No.239/2023 in O.A.No.729/2022,
Shri S.K.Shirse, learned Presenting Officer for the
respondent authorities and Shri Ashish Hajare,
learned Counsel holding for Shri Amol Chalak,
learned Counsel for applicant in M.A.No.359/2022,
are present.

2. At the request of learned P.O. to 18-07-2023.
Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 11.07.2023

M.A.NO.256/2023 IN O.A.NO.670/2023
(Dr. Rajeshree Agarwal Vs. State of Maharashtra & Ors.)

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

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

DATE : 11-07-2023

ORAL ORDER :

Heard Shri V.B.Wagh, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities.

2. The applicant has filed the present M.A. with a prayer that the respondents may be directed to decide the said representation and to communicate the decision thereof to the applicant. After having gone through the contents of the application and the representation dated 09-06-2023 it reveals that some enquiry has been conducted against the applicant wherein she has been held guilty. It is the grievance of the applicant that the report of the said enquiry has never been provided to the applicant. It is the contention of the applicant that she is innocent and has been wrongly held guilty. If this be the position that earlier some decision has been taken, the committee to which the present

=2= M.A.NO.256/2023 IN O.A.NO.670/2023

representation is submitted may not take any contrary decision.

3. In the circumstances, request as has been made seeking direction against the respondents to consider the representation is difficult to be accepted. However, if it is the case of the applicant that she has not been provided with the enquiry report till date, direction can certainly be given to the respondents to make available the said report to the applicant. Hence, the following order:

ORDER

[i] Respondents shall provide the report of enquiry conducted against the applicant within a week from the date of this order.

[ii] M.A. stands disposed of accordingly.

4. List the O.A. for further consideration on 20-07-2023.

VICE CHAIRMAN

**M.A.NO.257/2023 IN M.A.NO.563/2022 IN
O.A.NO.730/2022
(Gajanan P. Chaudhari & Ors. Vs. State of Maharashtra &
Ors.)**

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

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

DATE : 11-07-2023

ORAL ORDER :

Shri V.G.Pingle, learned Counsel for the
applicant in M.A.No.257/2023 in O.A.No.730/2022,
Smt. Deepali Deshpande, learned Presenting Officer
for the respondent authorities and Shri R.A.Joshi,
learned Counsel for applicant in M.A.No.563/2022,
are present.

2. At the request of learned P.O. to 18-07-2023.
Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 11.07.2023

M.A.NO.269/2023 IN O.A.NO.184/2018
(Swamidas Chobe Vs. State of Maharashtra & Ors.)

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

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

DATE : 11-07-2023

ORAL ORDER :

Heard Shri V.B.Wagh, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities.

2. By filing the present application, the applicant is seeking to bring on record the events occurred subsequently after filing of the present O.A. and to amend the O.A. accordingly. While seeking to incorporate the subsequent events the contextual prayers are also sought to be added.

3. Learned P.O. has submitted for passing appropriate orders.

4. In view of the fact that subsequent events are sought to be brought on record with the contextual prayers, I see no difficulty in allowing the present application. Hence, the following order:

ORDER

[i] M.A. is allowed.

=2= M.A.NO.269/2023 IN O.A.NO.184/2018

[ii] Necessary amendment be carried out within a week.

[iii] Amended copy of the O.A. be served on the respondents.

5. List the O.A. for further consideration on 23-08-2023.

VICE CHAIRMAN

YUK ORAL ORDER 11.07.2023

ORIGINAL APPLICATION NO.939/2022
(Santosh Pawar & Ors. Vs. State of Maharashtra & Ors.)

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

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

DATE : 11-07-2023

ORAL ORDER :

Shri Yogesh Shinde, learned Counsel holding
for Shri P.S.Anerao, learned Counsel for the
applicant and Shri I.S.Thorat, learned Presenting
Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant sought time
to file rejoinder affidavit. Time is granted.
3. S.O. to 28-07-2023.

VICE CHAIRMAN

YUK ORAL ORDER 11.07.2023

ORIGINAL APPLICATION NO.365/2023
(Trupti Andhare Vs. State of Maharashtra & Ors.)

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

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

DATE : 11-07-2023

ORAL ORDER :

Shri Saket Joshi, learned Counsel holding for
Shri A.S.Deshmukh, learned Counsel for the
applicant and Shri S.K.Shirse, learned Presenting
Officer for the respondent authorities, are present.

Shri Sachin Deshmukh, learned Counsel for
respondent nos.3 to 7 is **absent**.

2. At the request of learned Presenting Officer,
S.O. to 08-08-2023. Interim relief granted earlier to
continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 11.07.2023

ORIGINAL APPLICATION NO. 195 OF 2023
(Sharmila V. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 11.07.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 17.07.2023.

VICE CHAIRMAN

KPB ORAL ORDER 11.07.2023

ORIGINAL APPLICATION NO. 482 OF 2023
(Prashant M. Sakoji Vs. State of Maharashtra & Ors.)

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

DATE : 11.07.2023

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondent authorities.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 2 and 3. Same is taken on record and copy is given to the learned counsel appearing for the applicant.

3. Shri I.S. Thorat, learned Presenting Officer submitted that the transfer made of the present applicant on administrative ground has been cancelled by the respondents. Learned Presenting Officer pointed out that in the affidavit in reply said averments are taken and the order passed in that regard on 06.07.2023 is also annexed therewith. In view of the fact that the transfer of the applicant has been cancelled, the very purpose of the applicant of filing present Original Application is served.

4. In the circumstances, learned counsel for the applicant has prayed for disposing of the present matter. Hence, the following order :-

ORDER

The Original Application stands disposed of, since the purpose of filing the O.A. is served. No order as to costs.

VICE CHAIRMAN

**O.A. 432/2023 with MA 241/2023 in OA 436/2023
(Dr. Subhash P. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 11.07.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant in O.A. No. 432/2023 and S/shri N.U. Yadav & V.R. Bhumkar, learned Presenting Officer for respondent authorities in respective matters, are present.

Smt. Poonam Bodke Patil, learned counsel for the applicant in M.A. No. 241/2023 in O.A. No. 436/2023 **(Absent)**.

2. Learned Presenting Officer has sought 10 days' time to file affidavit in reply on behalf of respondents. Time granted as prayed for.

3. S.O. to 21.07.2023. Status quo granted earlier in O.A. No. 432/2023 to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 433 OF 2023
(Dr. Shivaji J. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 11.07.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondent authorities, are present.

2. Learned Presenting Officer has sought 10 days' time to file affidavit in reply on behalf of respondents. Time granted as prayed for.

3. S.O. to 21.07.2023. Status quo granted earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDER 11.07.2023

ORIGINAL APPLICATION NO. 207/2023
(Baliram T. Barhe Vs. State of Maharashtra & Ors.)

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

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

DATE : 11.07.2023

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought time for filing affidavit in reply on behalf of respondents. Time granted as prayed for.

3. S.O. to 10.08.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 206/2023
(Anil R. Jadhav Vs. State of Maharashtra & Ors.)

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

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

DATE : 11.07.2023

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought time for filing affidavit in reply on behalf of respondents. Time granted as prayed for.

3. S.O. to 10.08.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 694/2021
(Avinash G. Chonde Vs. State of Maharashtra & Ors.)

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

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

DATE : 11.07.2023

ORAL ORDER :

Shri Ashish Hajare, learned counsel holding for
Shri A.B. Chalak, learned counsel for the applicant
and Shri S.K. Shirse, learned Presenting Officer for
the respondent authorities, are present.

2. S.O. to 09.08.2023. Interim relief granted
earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDER 11.07.2023

ORIGINAL APPLICATION NO. 222/2023
(Vijay U. Awadhane & Ors. Vs. State of Maharashtra & Ors.)

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

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

DATE : 11.07.2023

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants has tendered across the bar rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 01.08.2023. **High on board.**

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 584 OF 2023
(Digambar Dashrat Pawar Vs. State of Mah. & Ors.)**

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

DATE : 11.07.2023

ORAL ORDER :

Heard Shri V.B. Anjanwatikar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. The applicant has questioned the order dated 30.6.2023, whereby the applicant has been transferred from Tahsil Office, Parner to Tahsil Office, Sangamner. It is the grievance of the applicant that his transfer has been made at the place for which he has not given any option. Learned counsel appearing for the applicant submitted that the applicant has given 5 options/preferences whereat the posts are vacant, however, the applicant has been transferred besides the places for which options were given. Learned counsel submitted that wife of the applicant is presently pregnant and there are some complicated issues insofar as pregnancy of wife of the applicant is concerned. In the circumstances, the applicant is unable to shift his wife at Sangamner, which is at the distance of around 126 kms. It is further contended that the applicant is only person who can look after the health of his wife. Learned

counsel in the circumstances, has prayed for staying the effect and operation of the impugned order till decision of the present O.A.

3. In the alternative, learned counsel appearing for the applicant has made submission that the applicant is not intending to remain on the existing post and is ready to go at any place after the period of six months i.e. after the delivery of his wife. Learned counsel submitted that at least till then the applicant either be retained at Parner or shall be given posting at any place of his choice. Learned counsel submitted that neither the applicant has yet been relived from his existing post nor somebody has yet been posted in his place.

4. Mrs. Deepali S. Deshpande, learned Presenting Officer has sought time to file affidavit in reply. Learned Presenting Officer submitted that the applicant was due for transfer. Learned P.O. submitted that for want of instructions she is unable to make any statement as about the correctness of the facts stated by the applicant.

5. I have duly considered the submissions advanced on behalf of the applicant, as well as, the respondents. It is not in dispute that the applicant is due for transfer. The contention of the applicant appears to be correct that he has been transferred at the place for which he

did not give any option. The applicant has also placed on record the certificate in respect of health of his wife and the report of Early Obstetrics Sonography.

6. It is significant to note that in the alternative submissions made on behalf of the applicant, it has been submitted that the applicant is seeking accommodation/retention on his existing post only for the period of six months i.e. till the delivery of his wife and thereafter, he is ready to go at any place where he may be transferred. The applicant however, maintains his stand that as far as possible he may be transferred on any of the places for which he has given his choices. The applicant has placed on record the sonography report of his wife. The ground on which the applicant is seeking his retention for next six months, *prima facie*, appears genuine. As has been submitted on behalf of the applicant had he been posted at any of the places for which he has given his preferences he would have no grievance, since all those places are at the reasonable distance from Bhigwan, the native village of the applicant and, as such, he could be in a position to take care of his wife. As has been submitted on oath by the applicant, he has not yet been relieved from his existing post and no one has yet been posted in his place. In the aforesaid circumstances I deem it appropriate to pass the following order: -

ORDER

(i) Issue notices to the respondents, returnable on 1.8.2023, **till then the respondents shall not relieve the applicant from his existing post.**

(ii) In the meanwhile, it would be open for the respondents to consider the request of the applicant for his retention for the period of six months on his existing post or to consider his request for giving him posting at any of the places of his choice.

(iii) It is clarified that if the request of the applicant to retain him on his existing post is accepted by the respondents, such retention shall not be beyond the period of six months.

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

(v) 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.

(vi) 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.

(vii) 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.

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O.A. NO. 584 OF 2023

Applicant is directed to file affidavit of compliance and notice.

(viii) S.O. to 1.8.2023.

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

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

**ORIGINAL APPLICATION NO. 542 OF 2023
(Radhabai W/o Eknath Jondhale Vs. State of Mah. &
Ors.)**

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

DATE : 11.07.2023

ORAL ORDER :

Heard Shri A.D. Gawale, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 23.8.2023.

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

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

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

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

7. S.O. to 23.8.2023.

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

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

**ORIGINAL APPLICATION ST. NO. 1056 OF 2019
(Rajkumar D. Malshetwar Vs. State of Mah. & Ors.)**

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

DATE : 11.07.2023

ORAL ORDER :

Heard Shri Amit A. Mukhedkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 8.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 8.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

M.A.NO. 19/2023 IN O.A.ST.NO. 602/2022

(Bharat V. Lahane Vs. State of Maharashtra & Ors.)

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

DATE : 11.07.2023

ORAL ORDER :

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

2. Issue notices to the respondents on application for condonation of delay, returnable on 23.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 23.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

**ORIGINAL APPLICATION NO. 175 OF 2023
(Ramesh Bansi Tekale Vs. State of Mah. & Ors.)**

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

DATE : 11.07.2023

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicant, issue fresh notice to respondent No. 3, returnable on 24.8.2023

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

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

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

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

7. S.O. to 24.8.2023.

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

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

ORIGINAL APPLICATION NO. 264 OF 2023

(Dr. Vaishali A. Phegade Vs. State of Mah. & Ors.)

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

DATE : 11.07.2023

ORAL ORDER :

Heard Shri Jayant S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicant, reissue notices to respondents, returnable on 22.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 22.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

**ORIGINAL APPLICATION NO. 265 OF 2023
(Dr. Deepak S. Raut Vs. State of Mah. & Ors.)**

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

DATE : 11.07.2023

ORAL ORDER :

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

2. At the request of learned counsel appearing for the applicant, reissue notices to respondents, returnable on 22.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 22.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

ORIGINAL APPLICATION NO. 266 OF 2023

(Dr. Sudha W/o Rahul Choudhary Vs. State of Mah. & Ors.)

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

DATE : 11.07.2023

ORAL ORDER :

Heard Shri Jayant S. Deshmukh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicant, reissue notices to respondents, returnable on 22.8.2023.

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

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

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

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

7. S.O. to 22.8.2023.

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

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

ORIGINAL APPLICATION NO. 468 OF 2023

(Dr. Prashant S. Shelar Vs. State of Mah. & Ors.)

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

DATE : 11.07.2023

ORAL ORDER :

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

2. At the request of learned counsel appearing for the applicant, reissue notice to respondent No. 5, returnable on 4.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 4.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

**ORIGINAL APPLICATION NO. 1080 OF 2022
(Dr. Pradnya D/o Sadashiv Jadhav Vs. State of
Maharashtra & Ors.)**

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

DATE : 11.07.2023

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. List the matter for hearing on 8.8.2023. In the meanwhile it would be open for the applicant to file rejoinder, if any, if he so desires. Status quo granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

**ORIGINAL APPLICATION NO. 1082 OF 2022
(Bhimrao S/o. Ananda Patil Vs. State of Maharashtra
& Ors.)**

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

DATE : 11.07.2023

ORAL ORDER :

Heard Shri R.R. Wakekar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submitted the written pursis under the signature of the applicant contending therein that he is not intending to prosecute the matter further and has sought permission to withdraw the matter. Learned counsel for the applicant also has put his signature below the said application.

3. In view of the submission so made, the Original Application stands disposed of since withdrawn. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

**M.A.NO. 86/2023 IN O.A.ST.NO. 347/2023
(Nana Tanga Ware Vs. State of Maharashtra & Ors.)**

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

DATE : 11.07.2023

ORAL ORDER :

Shri Rahul Dhase, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, present.

2. At the request of learned counsel appearing for the applicant, S.O. to 18.8.2023 for hearing.

VICE CHAIRMAN

ORAL ORDER 11.07.2023-HDD

ORIGINAL APPLICATION NO. 585/2023

(Dr. Jinendra s/o Mohan Jain Vs. the State of Maharashtra & Ors.)

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

DATE : 11.7.2023

ORAL ORDER :

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

2. The applicant, who is working as Assistant Professor at Government Medical College, Dhule, has been transferred to Government Medical College at Parbhani. The applicant is not disputing that he is due for transfer. It is, however, grievance of the applicant that the transfer orders are issued in utter violation of the provisions under the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short the Transfer Act, 2005) and the guidelines laid down vide Government Resolution dated 9.4.2018. The learned counsel for the applicant brought to my notice that earlier in several similar matters (interim order dated 6.7.2023 in O.A. No. 550/2023 with other connected matters) this

Tribunal has granted interim relief and has therefore prayed for similar relief in the present matter also. The learned counsel submitted that the applicant has not yet been relieved from his existing post and no one has been appointed yet in his place. In the circumstances, the learned counsel has prayed for grant of interim relief.

3. Shri B.S. Deokar, learned Presenting Officer has opposed for grant of any interim relief stating that the applicant has been already relieved. The learned P.O. tendered the document in that regard evidencing that the applicant has been relieved on 7.7.2023. The said document is taken on record. The learned P.O., however, did not make any statement whether any officer has been appointed in place of the applicant.

4. I have duly considered the submissions made on behalf of the applicant and the respondents. The case of the present applicant is identical with the cases of the applicants in O.A. No. 550/2023 with connected matters, wherein interim order has been passed by this Tribunal on 6.7.2023. I see no

reason to take any different view in the present matter than taken by me in the order dated 6.7.2023. In the said matters the Tribunal has observed that in spite of the special enactment like the Transfer Act, 2005 brought by the State for the purpose of regulating the transfers of the Government servants, the provisions under the said Act are not being followed. It has also been observed that the guidelines laid down in the G.R. dated 9.4.2018 are also not being observed. In the circumstances, the Tribunal held prima-facie case in favour of applicants therein and has granted interim relief in their favour. The same interim relief deserves to be granted in favour of the present applicant also. Though the applicant has been stated to have been relieved, no one has been appointed in his place. Hence, I pass the following order :-

ORDER

1. Issue notice to respondents, returnable on 25.7.2023, **till then the respondents shall permit the applicant to discharge his duties on his existing post.**
2. **It is clarified that if it is noticed that any appointment or transfer has been made in place of**

applicant and said person has been relieved from his earlier post prior to passing of this order, the applicant would be liable to be relieved from his existing post.

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

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

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

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

7. S.O. to 25.7.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 586/2023
(Shri Umesh R. Kavle Vs. the State of Maharashtra & Ors.)

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

DATE : 11.7.2023

ORAL ORDER :

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

2. Aggrieved by the order dated 26.5.2023, thereby the applicant has been transferred from the post of Food Safety Officer, Nanded to the post of Food Safety Officer at Mumbai Headquarters, the applicant has preferred the present Original Application. The applicant has raised several grounds in exception to the impugned order. However, I may not indulge in making any more discussion in that regard for the reason that the applicant has been relieved from his existing post and respondent no. 4 has already joined in his place. The only request, which deserves to be considered is to direct the respondents to consider the representations submitted by the applicant for his transfer at any suitable place for which the

applicant submitted the options/preferences. As has been submitted by the learned counsel for the applicant, vide impugned order the applicant has been transferred at the place other than the places of his choice.

3. Shri M.P. Gude, learned Presenting Officer opposed for grant of any interim relief or directions in the matter. The learned P.O. tendered across the bar the order passed by the Hon'ble Supreme Court in the matter of **Namrata Verma Vs. the state of Uttar Pradesh & Ors, Special Leave to Appeal (C) No. 36717/2017** (arising out of impugned final judgment and order dated 13.10.2017 in CWA No. 48447/2017 passed by the High Court of Judicature at Allahabad) dated 6.9.2021. The learned P.O., more particularly read out the observations made by the Hon'ble Supreme Court to the effect that "It is not for the employee to insist to transfer him/her and/or not to transfer him/her at a particular place. It is for the employer to transfer an employee considering the requirement."

4. I have duly considered the submission made on behalf of the applicant, as well as, the

respondents. I have also gone through the documents filed on record. There cannot be any dispute about the observations made by the Hon'ble Supreme Court in the case of **Namrata Verma Vs. the state of Uttar Pradesh & Ors** (supra). However, it is only the employer, who can consider the difficulties of its employee and there are inbuilt provisions for making such representations and when options are invited by the Government, in normal course unless it is impossible, the said options are ordinarily considered for transferring the employees. In the circumstances, if any employee has made representation, the respondents are bound to consider his request. Ultimately as has been observed by the Hon'ble Supreme Court, it would be for the employer to decide whether request of the applicant is liable to be considered or not having taking into consideration the administrative exigency. Hence, I pass the following order :-

ORDER

1. Issue notice to respondents, returnable on 7.8.2023, **by that time the respondents shall consider the representation submitted by the applicant on 7.7.2023 on its own merit.**

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O.A. NO. 586/2023

2. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
3. 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.
4. 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.
5. 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.
6. S.O. to 7.8.2023.
7. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 587/2023
(Dr. Manlal D. Shelte Vs. the State of Maharashtra & Ors.)

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

DATE : 11.7.2023

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Aggrieved by the order dated 9.6.2023, whereby has been transferred from Health Sub Centre, Kusumwade, Tq. Shahada, Dist. Nandurbar to Primary Health Centre, Chulwad, Tq. Akrani, Dist. Nandurbar, the applicant has preferred the present Original Application. The applicant is not disputing that he is due for transfer. It is, however, his grievance that while issuing the order of transfer the respondents have not observed the procedure laid down under the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short the Transfer Act, 2005), as well as, the Government Resolution dated 9.4.2018.

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O.A. NO. 587/2023

3. The learned counsel for the applicant submitted that before issuance of order of transfer the applicant has made a representation seeking retention on the existing post on the ground that his wife, who is also serving under Zilla Parishad as a Teacher at Kansai, Tq. Shahada, Dist. Nandurbar, which is at a distance of 5 Kms from the existing place of the applicant. It is further grievance of the applicant that had he been transferred at any of the place for which he has given options, he may not have any grievance about his transfer. Had the process of counselling followed by the respondents, the applicant would have certainly got an opportunity to put-forth his case either for his retention or his transfer at any of the places of his choice submitted by him. However, since no counselling took place and other mandatory procedures are also not followed and abruptly transfer orders are issued, applicant is constrained to approach this Tribunal. Learned counsel submitted that the applicant has not yet been relieved from his existing post and no one has been appointed in his place. In the circumstances, the

learned counsel has prayed for grant of interim relief in favour of the applicant for his retention at the existing place until further orders by this Tribunal.

4. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities opposed for grant of any such interim relief. Learned P.O. submitted that the respondents have transferred the applicant considering the administrative need. It is further contended that the applicant was due for transfer for transfer and in such circumstances it is not open for him to make any grievance about the order of transfer so issued. The learned PO further submitted that the Hon'ble Supreme Court in the case of **Namrata Verma Vs. the state of Uttar Pradesh & Ors, Special Leave to Appeal (C) No. 36717/2017** (arising out of impugned final judgment and order dated 13.10.2017 in CWA No. 48447/2017 passed by the High Court of Judicature at Allahabad) dated 6.9.2021 has categorically observed that "It is not for the employee to insist to transfer him/her and/or not to transfer him/her at a particular place. It is for the employer to transfer an employee considering the requirement." The

learned PO submitted that in the circumstances, no interim relief deserves to be granted in the present matter.

5. I have duly considered the submission made on behalf of the applicant, as well as, the respondents. I have also gone through the documents filed on record. There cannot be any dispute about the observations made by the Hon'ble Supreme Court in the case of **Namrata Verma Vs. the state of Uttar Pradesh & Ors** (supra). However, it is only the employer, who can consider the difficulties of its employee and there are inbuilt provisions for making such representations and when options are invited by the Government, in normal course unless it is impossible, the said options are ordinarily considered for transferring the employees. In the circumstances, if any employee has made representation, the respondents are bound to consider his request. Ultimately as has been observed by the Hon'ble Supreme Court, it would be for the employer to decide whether request of the applicant is liable to be considered or not

taking into consideration the administrative exigency.

6. The case of the present applicant is identical with the cases of the applicants in O.A. No. 550/2023 with connected matters, wherein interim order has been passed by this Tribunal on 6.7.2023. I see no reason to take any different view in the present matter than taken by me in the order dated 6.7.2023. In the said matters the Tribunal has observed that in spite of the special enactment like the Transfer Act, 2005 brought by the State for the purpose of regulating the transfers of the Government servants, the provisions under the said Act are not being followed. It has also been observed that the guidelines laid down in the G.R. dated 9.4.2018 are also not being observed. In the circumstances, the Tribunal held prima-facie case in favour of applicants therein and has granted interim relief in their favour. The same interim relief deserves to be granted in favour of the present applicant also. Though the applicant has been stated to have been relieved, no one has been

appointed in his place. Hence, I pass the following order :-

ORDER

1. Issue notice to respondents, returnable on 25.7.2023, **till then the respondents shall permit the applicant to discharge his duties on his existing post.**
2. **It is clarified that if it is noticed that any appointment or transfer has been made in place of applicant and said person has been relieved from his earlier post prior to passing of this order, the applicant would be liable to be relieved from his existing post.**
3. **In the meanwhile the respondents may decide the representation dated 12.6.2023, submitted by the applicant.**
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.

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O.A. NO. 587/2023

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 25.7.2023.

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

VICE CHAIRMAN

ARJ ORAL ORDER 11.7.2023