

ORIGINAL APPLICATION NO.541/2019
(Raghunath Chavan Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020.

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for the respondents and Shri V.M.Vibhute learned Advocate for respondent no.4.

2. Learned Advocate for the applicant on instruction states that the applicant wants to withdraw the O.A. and therefore he sought leave of the Tribunal to withdraw the same.

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

4. In view of the submission of the learned Advocate for the applicant leave is granted to withdraw the O.A. Accordingly, O.A. stands disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.369/2020
(Uttam Salve Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020.

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

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

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

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

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

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O.A.No.369/2020

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

7. S.O. to 26.11.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 12.10.2020

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

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020.

ORAL ORDER :

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

2. Learned CPO has submitted that the respondents are intending to cancel the impugned order and therefore he sought time to take instructions in the matter and get necessary documents from the respondents. Time is granted.

3. Interim protection granted to the applicant be continued till next date.

4. S.O. to 19-10-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 12.10.2020

ORIGINAL APPLICATION NO.404/2020
(Shrikant Disale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020.

ORAL ORDER :

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

2. Learned Advocate for the applicant on instruction states that the applicant wants to withdraw the O.A. and therefore he sought leave of the Tribunal to withdraw the same.

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

4. In view of the submission of the learned Advocate for the applicant leave is granted to withdraw the O.A. Accordingly, O.A. stands disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.407/2020

(Dr. Yashwant Chavan Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020.

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. Learned Advocate for the applicant submits that the applicant is working at Basmat since 25-11-2017. He has not completed his normal tenure of posting but he has been transferred by the impugned order though he is not due for transfer. It is his submission that the applicant is 58 years old. It is his submission that the Government issued G.Rs. dated 11-07-2000 and 06-08-2002 regarding transfer of the Government servants in tribal area and it provides that the Government servants who crossed the age of 50 years may not be transferred to tribal areas as far as possible. It is his submission that the applicant has been transferred and posted at Mandvi, Tq. Kinwat, Dist. Nanded, which is a tribal area. Therefore, the impugned order is in violation of the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 ("Transfer Act" for short) as well as the provisions of the G.R. dated 11-07-2000. He has submitted that the applicant has not been yet

relieved, therefore, he has prayed for interim protection.

3. Learned C.P.O. submits that the respondents will file detailed reply. He has submitted that there is no violation of any provisions of Transfer Act and G.R. issued by the Government and respondents have rightly passed the impugned order. Therefore, he has prayed to reject the prayer for interim relief.

4. On perusal of the record it reveals that the applicant is not due for transfer but he has been transferred by the impugned order and posted at Mandvi, Tq. Kinwat, Dist. Nanded. Annexure to the G.R. dated 11-07-2000 declares that Tq. Kinwat, Dist. Nanded is tribal area and said G.R. provides that a Government servant who crossed age of 50 years should not be transferred to tribal area as far as possible.

5. Prima facie, it seems that the impugned order is in violation of the provisions of the Transfer Act and G.Rs. dated 11-07-2000 and 06-08-2002. Hence, the impugned order requires to be stayed. Therefore, execution and operation of the impugned order is stayed till filing of the reply of the respondents.

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

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

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

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

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

11. S.O. to 23.11.2020.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.420/2020
(Anish Patel Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020.

ORAL ORDER :

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

2. Point of interim relief is kept open.
3. Issue notices to the respondents, returnable on 26.11.2020.
4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

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O.A.No.420/2020

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

8. S.O. to 26.11.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 12.10.2020

ORIGINAL APPLICATION NO.421/2020
(Khudabaksh Tadvi Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020.

ORAL ORDER :

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

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

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

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O.A.No.421/2020

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 26.11.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 12.10.2020

M.A.NO.240/2020 IN O.A.ST.NO.570/2020
(Rajendra Shah Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020.

ORAL ORDER :

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

2. Issue notices to the respondents in M.A., returnable on 07.12.2020.

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

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

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

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M.A.NO.240/2020 IN O.A.ST.NO.570/2020

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

7. S.O. to 07.12.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 12.10.2020

M.A.NO.241/2020 IN O.A.ST.NO.569/2020
(Gangadhar Muley Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020.

ORAL ORDER :

Heard Shri H.A.Joshi learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Issue notices to the respondents in M.A., returnable on 07.12.2020.

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

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

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

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M.A.NO.241/2020 IN O.A.ST.NO.559/2020

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

7. S.O. to 07.12.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 12.10.2020

ORIGINAL APPLICATION ST. NO. 833 OF 2020
(Shri Jayant R. Ambhore Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time to file application for condonation of delay.

3. Time as prayed for by the applicant is granted.

4. In the circumstances, the present O.A. is removed from the board with liberty to the applicant to circulate the same as and when occasion arises.

VICE CHAIRMAN

KPB/ORAL ORDERS 12.10.2020

ORIGINAL APPLICATION NO. 892 OF 2019
(Shri Nagnath M. Shinde Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020

ORAL ORDER :

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

2. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing in due course of time.

VICE CHAIRMAN

KPB/ORAL ORDERS 12.10.2020

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

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, issue fresh notices to the respondents, returnable on 23.11.2020.

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

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

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

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O.A. No. 182/2020

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

7. S.O. to 23.11.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 12.10.2020

ORIGINAL APPLICATION NO. 300 OF 2020
(Dr. Yuvraj H. Kharade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020

ORAL ORDER :

Heard Shri Govind B. Chate, learned Advocate holding for Shri S.R. Andhale, for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instruction states that the applicant does not want to proceed with the present O.A. and wants to withdraw the same. Therefore, he seeks leave of this Tribunal to withdraw the present O.A.

3. Learned Presenting Officer has prayed to pass necessary order.

4. Since the applicant does not want to proceed with the O.A. and wants to withdraw the same, leave as prayed for by the applicant is granted. The O.A. is disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 266 OF 2020
(Smt. Suvarna G. Randhawane Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

Heard Shri Ganesh Gadhe, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

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

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

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O.A. No. 266/2020

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 26.11.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 12.10.2020

ORIGINAL APPLICATION NO. 308 OF 2020
(Shri Ranjeet T. Bhorje Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

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

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

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

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O.A. No. 308/2020

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 26.11.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 12.10.2020

ORIGINAL APPLICATION NO. 354 OF 2020
(Shri Suresh L. Kamthane Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

Heard Shri G.L. Awale, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

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O.A. No. 354/2020

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 26.11.2020.

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

VICE CHAIRMAN

KPB/ORAL ORDERS 12.10.2020

ORIGINAL APPLICATION NO. 410 OF 2020
(Smt. Meera Babasaheb Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

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

2. The applicant is challenging the show cause notice dated 09.09.2020 issued to her.

3. On perusal of the record, it reveals that the show cause notice dated 09.09.2020 has issued by the respondents to the applicant calling upon her to give explanation regarding certain things. By issuing the show cause notice by the respondents, an opportunity of hearing was given to the applicant to explain facts mentioned therein. Therefore, it cannot be said that the said show cause notice which has been issued is an order. The applicant has not aggrieved by any order. Therefore, the O.A. is not maintainable. Hence, the O.A. deserves to be dismissed.

4. In view thereof, the O.A. stands dismissed with no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 419/2020
(Ashish D. Dhakan Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

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

2. By filing the present Original Application the Applicant is challenging initiation of Departmental Enquiry against him.

3. Learned Counsel for the Applicant has submitted that the Departmental Enquiry has been initiated against the Applicant and on the basis of enquiry report, the Disciplinary Authority issued show cause notice to the Applicant for imposing punishment on him. Therefore, he has prayed to grant interim stay to the further proceedings in departmental enquiry.

4. Learned P.O. for the Respondents has submitted that the departmental enquiry has been conducted against the Applicant after giving him opportunity of hearing. On the basis of departmental enquiry report, the Disciplinary Authority issued the show cause notice to the Applicant.

Applicant has given an opportunity to give his reply to the show cause notice. The Disciplinary Authority will pass the appropriate order in the enquiry thereafter. He has submitted that there is no illegality in the enquiry. Therefore, he has prayed to reject the prayer to grant interim stay.

5. On perusal of record it reveals that the departmental enquiry has been initiated against the Applicant in the year 2019. Thereafter, the enquiry has been conducted by the enquiry officer and thereafter report has been submitted by him to the disciplinary authority. On the basis of report of enquiry officer, the disciplinary authority issued show cause notice to the Applicant. An opportunity of hearing has been given to the Applicant by the disciplinary authority by issuing the show cause notice. The Applicant can raise his grievance before the disciplinary authority. On the conclusion of the enquiry report, the disciplinary authority has issued the show cause notice to the Applicant. The Applicant can challenge the decision of disciplinary authority passed in D.E. before the appropriate forum in case the order is passed against him. In the circumstances, in my view, it is not a fit case to grant interim stay. Hence, the prayer for grant of stay to the D.E. is hereby rejected.

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

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

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

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

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

11. S.O. to 26.11.2020.

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

VICE CHAIRMAN

M.A.NO.178/2020 IN O.A.ST.NO.571/2020
(Sanjay R. Rajput & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

Heard Shri R.D. Biradar, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

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

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO.571/2020
(Sanjay R. Rajput & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

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

2. By filing the present Original Application, the Applicants are challenging the seniority list dated 01.01.2020.

3. Learned Counsel for the Applicant has submitted that the Applicants have been temporarily promoted by order dated 30.12.2019. He has submitted that the Applicants have passed required examinations within three chances and within nine years as per the Rules. In spite of that, the Respondents changed the provisional seniority list and published the final seniority list dated 01.01.2020 in which the Applicants have been shown in the seniority list at Sr.No.373, 378 and 381.

4. He has submitted that the Respondents had not considered the fact that the Applicants have fulfilled the required criteria as per the Rules and passed the required examinations within stipulated time and therefore, the

Applicants have approached before this Tribunal. He has submitted that on the basis of final seniority list the Respondents are intending to demote the Applicants.

5. On perusal of record it reveals that the Applicants have challenged the seniority list as on 01.01.2020 in which the Applicants have been shown at Sr.Nos.373, 378 and 381. On perusal of remarks column of said seniority list, it reveals that the seniority of the Applicants has not been changed because of non passing the examination in given chances and within stipulated period. The Applicants have challenged the final seniority list in which their seniority has been changed and their juniors have been shown above them. But the Applicants have not made those Government servants whose names are above the Applicants as party to the O.A. Those Government Servants are necessary parties to the O.A. The O.A. cannot be decided effectively in their absence. It cannot be decided effectively without giving them an opportunity of hearing. Hence, the O.A. is not maintainable. Consequently, it deserves to be dismissed.

6. In view of above, the present O.A. is dismissed as not maintainable with no order as to costs.

VICE CHAIRMAN

M.A.NO.239/2020 IN O.A.NO.323/2020
(Mangala P. Naik Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

Shri Govind R. Ingole, learned Advocate for the
Applicant (**Absent**).

Heard Smt. Priya R. Bharaswadkar, learned
Presenting Officer for the respondents.

2. As none appeared for the Applicant, the present
matter is removed from the board.

VICE CHAIRMAN

SAS ORAL ORDERS 12.10.2020

M.A. 243/2020 IN O.A. ST. 1018/2020
(Gangaram S. Bele Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

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

2. Issue notices to the respondents in the present M.A., returnable on 26.11.2020.

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

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M.A. 243/2020 IN O.A. ST.
1018/2020

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 26.11.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 12.10.2020

**M.A. 244/2020 WITH M.A. ST. 872/2020 IN O.A.
ST. 873/2020**
(Ashok D. Talde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

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

2. The present M.A. no. 244/2020 has been filed by the applicants for condoning the delay of 13 days caused in filing the accompanying O.A. st. 873/2020.

3. Learned Presenting Officer has submitted that she has no objection to condone the 13 days' delay caused in filing the accompanying O.A. Therefore, she has submitted that the delay of 13 days' caused in filing accompanying O.A. may be condoned by allowing the present M.A.

4. In view of the submissions of the learned Advocate for the applicants in the present M.A. and in view of the submissions of the learned P.O., the delay

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**M.A. 244/2020 WITH M.A. ST.
872/2020 IN O.A. ST. 873/2020**

of 13 days caused in filing the accompanying O.A. is
condoned.

5. In the circumstances M.A. 244/2020 is disposed
of with no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 12.10.2020

O.A. ST. 873/2020

(Ashok D. Talde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 26.11.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

7. S.O. to 26.11.2020.

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

VICE CHAIRMAN

M.A. ST. 872/2020 IN O.A. ST. 873/2020
(Ashok D. Talde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

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

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 180/2020
(Ganesh N. Suralkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

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

2. The matter was heard by consent of both the sides. Learned Advocate for the applicant as well as the learned C.P.O. for the respondents has submitted that the present O.A. may be disposed of with a direction to the respondent no. 2 the Principal Secretary (Services), General Administration Department, Mantralaya, Mumbai to take appropriate decision regarding the promotion of the applicant on the basis of the decisions rendered by the Nagpur Bench of this Tribunal in O.A. 953/2019 (Shri Bhagwan Pandurang Kamble Vs. the State of Maharashtra & Ors.) dated 13.2.2020, O.A. nos. 807, 939 and 991 all of 2019 (A.M. Samindar & Ors. Vs. the State of Maharashtra & Ors.) decided by the principal seat of this Tribunal dated 3.3.2020 and on the basis

of the letter dated 21.9.2020 issued by the under Secretary of General Administration Department, Mantralaya, Mumbai.

3. In view of the submissions made by the learned Advocate for the applicant and the learned C.P.O. for the respondents, the present O.A. stands disposed of with a direction to the respondent no. 2 the Principal Secretary (Services), General Administration Department, Mantralaya, Mumbai to take appropriate decision regarding the promotion of the applicant on the basis of the decisions rendered by the Nagpur Bench of this Tribunal in O.A. 953/2019 (Shri Bhagwan Pandurang Kamble Vs. the State of Maharashtra & Ors.) dated 13.2.2020, O.A. nos. 807, 939 and 991 all of 2019 (A.M. Samindar & Ors. Vs. the State of Maharashtra & Ors.) decided by the principal seat of this Tribunal on 3.3.2020 and on the basis of the letter dated 21.9.2020 issued by the under Secretary of General Administration Department, Mantralaya, Mumbai, on merit and as per the rules, within one month from the date of this order.

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O.A. NO. 180/2020

4. Accordingly the present O.A. stands disposed of. There shall be no order as to costs.

5. Learned C.P.O. is directed to communicate this order to the respondent no. 2 the Principal Secretary (Services), General Administration Department, Mantralaya, Mumbai by any fastest mode.

VICE CHAIRMAN

ARJ ORAL ORDERS 12.10.2020

M.A. 227/2020 IN O.A. 180/2020
(Ganesh N. Suralkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

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

DATE : 12.10.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant as well as learned C.P.O. for the respondents consented for disposal of O.A. no. 180/2020 itself on merit.

3. As both the sides have consented for disposal of O.A. itself on merit, the present M.A. filed by the applicant for grant of interim relief does not survive.

4. In the circumstances, M.A. stands disposed of. There shall be no order as to costs.

VICE CHAIRMAN

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

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 12.10.2020

ORAL ORDER :

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

2. Shri Deshmukh, learned Advocate, on instructions from the applicant, states that the applicant does not want to proceed with the present O.A. and he wants to withdraw the same. Therefore he seeks leave of this Tribunal to withdraw the present O.A.

3. Learned C.P.O. for respondent nos. 1 to 3 and learned Advocate for respondent no. 4 have prayed to pass necessary order.

4. In view of the submissions of the learned Advocate for the applicant, learned C.P.O. for the respondent nos. 1 to 3 and the learned Advocate for respondent no. 4, leave as prayed for by the applicant

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O.A. NO. 397/2020

is granted. Accordingly the O.A. is disposed of as withdrawn. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 12.10.2020