

**M.A.ST.NO. 882/2023 IN C.P.ST.NO. 883/2023 IN
O.A.NOS. 14, 15 & 16/2023**

(Rajesh Narayan Kadam & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.05.2023

ORAL ORDER : Vacation Court (D.B. Matter)

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicants placed on record written pursis of the applicants for seeking withdrawal of M.A. and C.P. with liberty to file fresh three separate Contempt Petitions. It is taken on record and marked as document 'X' for the purpose of identification.

3. In view of the same, the M.A. & C.P. stand disposed of as withdrawn with liberty to file fresh three separate Contempt Petitions. No order as to costs.

MEMBER (J)

C.P.ST.NO. 894 OF 2023 IN O.A.NO. 15 OF 2023
(Balaji Govindrao Magre Vs. State of Maharashtra & Ors.)

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

DATE : 12.05.2023

ORAL ORDER : Vacation Court (D.B. Matter)

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

2. Issue notice to the respondent No.2, returnable on 12.06.2023.

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. Issue of maintainability in respect of prayer clause 'C' is kept open.

8. S.O. to 12.06.2023.

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

MEMBER (J)

C.P.ST.NO. 893 OF 2023 IN O.A.NO. 14 OF 2023
(Rajesh Narayanrao Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 12.05.2023

ORAL ORDER : Vacation Court (D.B. Matter)

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

2. Issue notice to the respondent No.2, returnable on 12.06.2023.

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. Issue of maintainability in respect of prayer clause 'C' is kept open.

8. S.O. to 12.06.2023.

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

MEMBER (J)

C.P.ST.NO. 895 OF 2023 IN O.A.NO. 16 OF 2023
(Vilas Namdeorao Ingle Vs. State of Maharashtra & Ors.)

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

DATE : 12.05.2023

ORAL ORDER : Vacation Court (D.B. Matter)

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

2. Issue notice to the respondent No.2, returnable on 12.06.2023.

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. Issue of maintainability in respect of prayer clause 'C' is kept open.

8. S.O. to 12.06.2023.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 375 OF 2023
(Balasaheb Ashruba Wanve Vs. State of Maharashtra & Ors.)

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

DATE : 12.05.2023

ORAL ORDER : Vacation Court (D.B. Matter)

Heard Smt. Priya R. Bharaswadkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 09.06.2023.

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. **If any action taken against the applicant would be subject to outcome of this O.A.**

8. S.O. to 09.06.2023.

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

MEMBER (J)

M.A.NO. 226 OF 2023 IN O.A.ST.NO. 888 OF 2023
(Rajesh Sakharam Manwate & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.05.2023

ORAL ORDER : Vacation Court (D.B. Matter)

Heard Shri Vaibhav U. Pawar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

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 of action is identical and the applicants have prayed for same relief, in order to avoid the multiplicity, leave to sue jointly is 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.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 888 OF 2023
(Rajesh Sakharam Manwate & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.05.2023

ORAL ORDER : Vacation Court (D.B. Matter)

Heard Shri Vaibhav U. Pawar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 08.06.2023.

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.

//2// O.A.St.888/2023

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

7. Unless the affidavit in reply is filed, the things cannot be clear. **The selection/appointment if any made, the same shall be subject to outcome of the present Original Application.**

8. S.O. to 08.06.2023.

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

MEMBER (J)

**M.A.NO. 227/2023 IN O.A.NO. 39/2020 WITH
O.A.NO. 477/2018 WITH O.A.NO. 982/2018 WITH
O.A.NO. 983/2018**

(Anil B. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 12.05.2023

ORAL ORDER : Vacation Court (D.B. Matter)

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant in MA No. 227/2023 & O.A.No. 39/2020, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri V.B. Wagh, learned Advocate for the applicants in O.A.Nos. 477/2018, 982/2018, 983/2018.

2. Issue notice to the respondents in M.A., returnable on 07.06.2023.

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.

//2// M.A.227/2023 In
O.A.No. 39/2020 & Ors.

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 07.06.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

O.A. No. 360 OF 2023 with M.A. No. 228/2023
(Vilas D. Ambhore Vs. State of Maharashtra & Ors.)
(VACATION COURT) (S.B. MATTER)

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

DATE : 12.05.2023

ORAL ORDER :

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

2. The present Original Application is filed challenging the impugned order dated 26.04.2023 (Annexure A-6) issued by the respondent No. 1, thereby transferring the applicant from the office of respondent No. 2 i.e. the Superintendent, State Excise Department Office, Jalna to the office of Superintendent, State Excise Department, Buldhana having been found excess in the establishment of respondent No. 2. The applicant is working on the post of Constable-cum-Driver.

3. It is the contention of the applicant that the impugned order dated 26.04.2023 (Annexure A-6) is issued without following the criteria laid down under G.R. dated 10.09.2001 (Annexure A-4). The applicant claimed that as on the date of filing of the

//2//

present Original Application on 03.05.2023, the applicant was still working on the establishment of respondent No. 2. It is further contended that reference of provisions of Transfer Act, 2005 for issuing the impugned order is misconceived.

4. Initially notices were issued to the respondent by the order dated 04.05.2023 keeping open the prayer of interim relief.

5. Short affidavit in reply on behalf of respondent No. 2 filed on 11.05.2023 i.e. yesterday. Learned Advocate for the applicant submits that by now notices are duly served upon the respondent Nos. 1 and 2 and during the course of the day she will file the service affidavit on behalf of respondent No.1.

6. In the affidavit in reply, there is reference to G.R. dated 10.09.2001 in para No. 6 only to the extent of review of surplus posts has been taken under G.R. dated 10.09.2001 issued by the Finance Department before issuance of impugned order of transfer of the applicant.

//3//

7. M.A. No. 228/2023 is taken out by the applicant placing on record the subsequent developments and seeking prayer of status-quo-ante as of 26.04.2023 i.e. issuing the impugned order allegedly relieving the applicant on the same day.

8. The respondent No. 2 in his affidavit in reply specifically contended that the applicant has been relieved on the very day i.e. on 26.04.2023 as per the order dated 26.04.2023 (Annexure A-6 at page No. 80 of the paper book). Thereafter the applicant said to have made application dated 03.05.2023 to the respondent No. 2 stating that he will be proceeded on Medical Leave.

9. In the M.A. the applicant has come out with the contention that the relieving order dated 26.04.2023 was not served upon him immediately. It was served through post office and the respondent No. 2 posted the said relieving order on 04.05.2023. To substantiate the same, the applicant has produced on record a copy of envelope (page No. 8 of the paper book of M.A.)

//4//

10. During the course of arguments, it transpires that the applicant has received the said relieving order on whatsapp message on 04.05.2023. In addition to that the applicant has also come out with the contention by placing some documents on record to establish his claim that in fact, he continued to work in the office of respondent No. 2 and discharge his duty till 03.05.2023.

11. Learned C.P.O. submitted that the documents relied upon by the applicant in that regard are not authenticated documents and it is office record. Under what circumstances the applicant had obtained the said documents is to be explained by him. The said aspect is kept open.

12. I have examined the present case under the criteria laid down in G.R. dated 10.09.2001, as it is the case of surplus employee. As per the said G.R., the employee like the applicant gets the right to exercise the option to work in the said office on degraded post, if he so desires. Calling such option is mandatory. No contention in that regard is raised on behalf of respondent No. 2 in his affidavit in reply.

//5//

13. In the circumstances as above, it is evident that at least document on record i.e. relieving order dated 26.04.2023 was not communicated to the applicant till 03.05.2023. It was communicated to him on 04.05.2023. Till then the applicant claims that he was allowed to work on the present post.

14. It is true that the applicant has to explain the custody of documents relied upon by him in M.A., which is office record. But that apart from the facts and circumstances it appears that the applicant was allowed to work till 03.05.2023 for whatever reason. In view of the same, the impugned order dated 26.04.2023 (Annexure A-6) is stayed with the direction to the respondent No. 2 to allow the applicant to continue to work on his establishment till completion of pleadings.

15. In view of this, hearing of the present matter is expedited.

16. Issue notices to the respondents in M.A. No. 228/2023, returnable on 06.06.2023.

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

//6//

18. 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.

19. 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.

20. 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.

21. S.O. to 06.06.2023.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 376 OF 2023
(Tushar V. Gaikwad Vs. State of Maharashtra & Ors.)
(VACATION COURT) (S.B. MATTER)

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

DATE : 12.05.2023

ORAL ORDER :

Heard Shri Avinash N. Patil Barhate, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant seeks liberty to delete the words "State of Maharashtra" from the title clause of respondent No. 1.

3. Liberty as prayed for by the applicant is granted. The applicant shall carry out the necessary correction in the O.A. forthwith.

4. The present Original Application is filed challenging the impugned transfer order of the applicant dated 29.04.2023 (Exhibit-D) issued by the respondent, whereby he has been transferred from Shrirampur Police Station to Shirdi Police Station. Admittedly, it is general transfer order. Before issuance of transfer order, the respondent called for options of post/posting in general transfer by letter

//2//

dated 06.03.2023 (Exhibit-B). As per the letter dated 27.03.2023 (Exhibit-C), it is contended that none of the options place was given to the applicant, though applicant pleaded domestic reasons. According to the applicant, in the general transfer order reasons stated by some of the officials were considered and they were retained. However, the reasons stated by the applicant were not considered.

5. Learned C.P.O. opposed the submissions made on behalf of the applicant and contended that the impugned transfer order is legal and proper and there is no contravention of any provisions of law.

6. The provisions of Section 22N of the Maharashtra Police Act deals with transfer of police officials, which is to be considered. The applicant is working on the post of Police Constable. Tenure at one Police Station as per the said provision is of five years. The applicant has completed five years at Shrirampur Police Station. He was due for transfer. The options were also called for. The grievance is that the applicant is not accommodated on any of the places of options given by him.

//3//

7. The impugned order would show that list of transfer is got approved from the concerned Police Establishment Board. There is mention of Section 22N (2) of the Maharashtra Police Act. Even under the said provision, the transfer under exceptional circumstances also can be considered. Only because options given by the applicant for transfer is not considered, it cannot be said that the impugned order of transfer is issued in contravention of the provisions of Section 22N of the Maharashtra Police Act. Prima-facie, I do not find any illegality in the impugned order of transfer. In the circumstances, in my considered opinion, this is not a fit case to grant interim relief. Hence, the interim relief is refused.

7. Issue notices to the respondents, returnable on 08.06.2023.

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

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

//4//

paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

12. S.O. to 08.06.2023.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 377 OF 2023
(Abasaheb S. Gore Vs. State of Maharashtra & Ors.)
(VACATION COURT) (S.B. MATTER)

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

DATE : 12.05.2023

ORAL ORDER :

Heard Shri Avinash N. Patil Barhate, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant seeks liberty to delete the words "State of Maharashtra" from the title clause of respondent No. 1.

3. Liberty as prayed for by the applicant is granted. The applicant shall carry out the necessary correction in the O.A. forthwith.

4. The present O.A. is filed challenging the impugned transfer order of the applicant dated 29.04.2023 (Exhibit-D) issued by the respondent, whereby he has been transferred from Shrirampur Police Station to Shevgaon Police Station. Admittedly, it is general transfer order. Before issuance of transfer order, the respondent called for options of post/posting in general transfer by letter

//2//

dated 06.03.2023 (Exhibit-B). As per the letter dated 21.03.2023 (Exhibit-C), it is contended that none of the options place was given to the applicant, though applicant pleaded domestic reasons. According to the applicant, in the general transfer order reasons stated by some of the officials were considered and they were retained. However, the reasons stated by the applicant were not considered.

5. Learned C.P.O. opposed the submissions made on behalf of the applicant and contended that the impugned transfer order is legal and proper and there is no contravention of any provisions of law.

6. The provisions of Section 22N of the Maharashtra Police Act deals with transfer of police officials, which is to be considered. The applicant is working on the post of Police Constable. Tenure at one Police Station as per the said provision is of five years. The applicant has completed five years at Shrirampur Police Station. He was due for transfer. The options were also called for. The grievance is that the applicant is not accommodated on any of the places of options given by him.

//3//

7. The impugned order would show that list of transfer is got approved from the concerned Police Establishment Board. There is mention of Section 22N (2) of the Maharashtra Police Act. Even under the said provision, the transfer under exceptional circumstances also can be considered. Only because options given by the applicant for transfer is not considered, it cannot be said that the impugned order of transfer is issued in contravention of the provisions of Section 22N of the Maharashtra Police Act. Prima-facie, I do not find any illegality in the impugned order of transfer. In the circumstances, in my considered opinion, this is not a fit case to grant interim relief. Hence, the interim relief is refused.

7. Issue notices to the respondents, returnable on 08.06.2023.

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

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

//4//

paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

12. S.O. to 08.06.2023.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 378 OF 2023
(Amol V. Gaikwad Vs. State of Maharashtra & Ors.)
(VACATION COURT) (S.B. MATTER)

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

DATE : 12.05.2023

ORAL ORDER :

Heard Shri Avinash N. Patil Barhate, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant seeks liberty to delete the words "State of Maharashtra" from the title clause of respondent No. 1.

3. Liberty as prayed for by the applicant is granted. The applicant shall carry out the necessary correction in the O.A. forthwith.

4. The present Original Application is filed challenging the impugned transfer order of the applicant dated 29.04.2023 (Exhibit-D) issued by the respondent, whereby he has been transferred from Shrirampur Police Station to Shirdi Police Station. Admittedly, it is general transfer order. Before issuance of transfer order, the respondent called for options of post/posting in general transfer by letter

//2//

dated 06.03.2023 (Exhibit-B). As per the letter dated 21.03.2023 (Exhibit-C), it is contended that none of the options place was given to the applicant, though applicant pleaded domestic reasons. According to the applicant, in the general transfer order reasons stated by some of the officials were considered and they were retained. However, the reasons stated by the applicant were not considered.

5. Learned C.P.O. opposed the submissions made on behalf of the applicant and contended that the impugned transfer order is legal and proper and there is no contravention of any provisions of law.

6. The provisions of Section 22N of the Maharashtra Police Act deals with transfer of police officials, which is to be considered. The applicant is working on the post of Police Constable. Tenure at one Police Station as per the said provision is of five years. The applicant has completed five years at Shrirampur Police Station. He was due for transfer. The options were also called for. The grievance is that the applicant is not accommodated on any of the places of options given by him.

//3//

7. The impugned order would show that list of transfer is got approved from the concerned Police Establishment Board. There is mention of Section 22N (2) of the Maharashtra Police Act. Even under the said provision, the transfer under exceptional circumstances also can be considered. Only because options given by the applicant for transfer is not considered, it cannot be said that the impugned order of transfer is issued in contravention of the provisions of Section 22N of the Maharashtra Police Act. Prima-facie, I do not find any illegality in the impugned order of transfer. In the circumstances, in my considered opinion, this is not a fit case to grant interim relief. Hence, the interim relief is refused.

7. Issue notices to the respondents, returnable on 08.06.2023.

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

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

//4//

paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

12. S.O. to 08.06.2023.

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

MEMBER (J)

M.A. No. 225/2023 in O.A. No. 356/2023
(Sharad P. Jare Vs. State of Maharashtra & Ors.)
(VACATION COURT) (D.B. MATTER)

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

DATE : 12.05.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant seeks liberty to add Shri Santosh A. Patil as party respondent No. 3 in M.A., as well as, in O.A.

3. Liberty as prayed for by the applicant is granted. The applicant shall carry out the necessary amendment in M.A. and O.A. forthwith.

4. Issue notices to the respondents in M.A., returnable on 12.06.2023.

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

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

//2//

paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

9. Further action if any is taken as regards promotion, it will be subject to decision in the present matter.

10. S.O. to 12.06.2023.

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

MEMBER (J)

**M.A. No. 229/2023 in O.A. No. 323/2023
(Madhav S. Salgar Vs. State of Maharashtra & Ors.)
(VACATION COURT) (D.B. MATTER)**

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

DATE : 12.05.2023

ORAL ORDER :

Heard Shri P.S. Anerao, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant seeks permission to withdraw the present M.A. and O.A. stating that there is some formal defect with liberty to file fresh O.A. on same cause of action.

3. Permission as prayed for by the applicant is granted. The M.A. and O.A. stand disposed of as withdrawn with liberty to file fresh O.A. on same cause of action. There shall be no order as to costs.

MEMBER (J)