

ORIGINAL APPLICATION NO. 264/2020
(Sunilkumar R. Rathi Vs. State of Maharashtra & Ors.)

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

DATE : 12.5.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 & 2, Shri V.M. Vibhute, learned Advocate for respondent no. 3 and Shri V.B. Wagh, learned Advocate for respondent no. 4.

2. Record would show that the pleadings in the matter are complete. On 3.5.2021 the learned P.O. for respondent nos. 1 & 2 sought a week's time for seeking necessary information and documents from the concerned respondents. Today he submits that necessary documents are received. The said documents are taken on record and copies thereof are supplied to other side.

3. In view of above, S.O. to 20.5.2021 for hearing at the stage of admission. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 592/2020
(Dr. Sanjay B. Dhage Vs. State of Maharashtra & Ors.)

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

DATE : 12.5.2021

ORAL ORDER :

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

2. Record shows that on 4.5.2021 learned Presenting Officer submitted that he will take necessary instructions from the concerned respondents in respect of compliance of the order dated 17.2.2021 passed by the Tribunal in this matter. In this regard, today, the learned P.O. has placed on record the report in writing received from the Deputy Director, Health Services, Latur, whereby it is stated that necessary correspondence is being made with the higher authority in order to comply the order of this Tribunal dated 17.2.2021.

3. In the above circumstances, the concerned respondents are directed to expedite the matter and report the compliance by the next date.

4. S.O. to 12.7.2021. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 47/2021
(Bhanudas F. Gavit Vs. State of Maharashtra & Ors.)

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

DATE : 12.5.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has placed on record copy of representation dated 5.4.2021 submitted by the applicant to the concerned respondent. It is taken on record and copy thereof has been supplied to other side.

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

4. In the circumstances, S.O. to 21.5.2021 for filing affidavit in reply by the respondents.

MEMBER (J)

ORIGINAL APPLICATION NO. 118/2021

(Sunanda d/o Asaram Pagare @ Smt. Sunanda w/o John Sable Vs. State of Maharashtra & Ors.)

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

DATE : 12.5.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 to 4. It is taken on record and copy thereof has been supplied to learned Advocate for the applicant.

3. Learned Advocate for the applicant submits that she will go through the affidavit in reply filed by the respondent nos. 1 to 4 and if necessary she will file rejoinder affidavit on the next date.

4. In the circumstances, S.O. to 13.7.2021 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (J)

ORIGINAL APPLICATION NO.591/2020
(Anil Burkul Vs. State of Maharashtra & Ors.)

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

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

DATE : 12.05.2021

ORAL ORDER :

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

2. At the request of learned CPO, **S.O. to 12-07-2021** for filing affidavit in reply on behalf of the respondents.

MEMBER (J)

M.A.NO.107/2021 IN O.A.ST.NO.439/2021
(Shivaji Kote & Ors. Vs. State of Maharashtra & Ors.)

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

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

DATE : 12.05.2021

ORAL ORDER :

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

2. This M.A.No.107/2021 is filed seeking leave of the Tribunal to sue the respondents jointly.

3. In the O.A., applicants have challenged the seniority list of the Police Head Constables as on 01-01-2017. Various reliefs have been sought by the applicants against the said seniority list. It is common contention of the applicants that they all are affected by the said seniority list dated 01-01-2017. The applicants are hereby seeking common reliefs.

4. In view of the same, to avoid multiplicity of litigation and conflicting orders, permission is granted to the applicants to sue jointly. M.A.No.107/2021 is hereby allowed and disposed of.

MEMBER (J)

M.A.ST.NO.437/2021 IN O.A.ST.NO.439/2021
(Shivaji Kote & Ors. Vs. State of Maharashtra & Ors.)

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

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

DATE : 12.05.2021

ORAL ORDER :

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

2. Issue notices to the respondents in M.A.St.No.437/2021, returnable on 13.07.2021.

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

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M.A.ST.NO.437/2021 IN O.A.ST.NO.439/2021

(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 13.07.2021.

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

MEMBER (J)

M.A.NO.121/2020 IN O.A.ST.NO.295/2020
(Mohammad Hussain Vs. State of Maharashtra & Ors.)

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

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

DATE : 12.05.2021

ORAL ORDER :

Heard Dr. Swapnil D. Tawshikar, learned Advocate for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. By this M.A.No.121/2020, applicant is seeking condonation of delay of about 10 months and 11 days caused for filing the O.A.St.No.295/2020.

3. The applicant has sought to challenge the order dated 04-04-2018 passed by the respondent no.1 in first appeal and order dated 23-05-2013 being the final order in respect of departmental enquiry held against the applicant, original final order is confirmed in the appeal. In view of the same, the applicant is aggrieved by both the orders.

4. The applicant states that he came to know about the impugned order in appeal dated 04-04-2018 only on 07-01-2020. After getting the said impugned order the applicant filed O.A. without any unduly delay. However, technically, there appears to be some delay. Said delay is

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M.A.NO.121/2020 IN O.A.ST.NO.295/2020

not caused due to any act or omission on the part of the applicant. The applicant is a retired person having no nexus with the department except pension. Therefore, he has no knowledge about the impugned order. Hence, this application for condonation of delay.

5. Heard both sides. Considering the respective dates of impugned orders, there appears some delay but the applicant at the same time has contended that he got knowledge of the said subsequent order dated 04-04-2018 only on 07-01-2020.

6. It is settled principle of law that the expression "sufficient cause" is to be construed liberally. If the facts of this case are considered, it can be seen that the delay cannot be said to have been caused intentionally or deliberately. Thereby the applicant has nothing to gain. In such circumstances, refusing to give indulgence in the matter is likely to defeat cause of justice at the threshold. Hence, it is a fit case to condone delay and decide on merit. Hence, M.A. is allowed. Delay caused in filing the O.A. is hereby condoned.

6. M.A.No.121/2020 stands disposed of accordingly with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION ST.NO.295/2020
(Mohammad Hussain Vs. State of Maharashtra & Ors.)

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

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

DATE : 12.05.2021

ORAL ORDER :

Heard Dr. Swapnil D. Tawshikar, learned Advocate for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 12.07.2021.
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

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O.A.ST.NO.295/2020

(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 12.07.2021.

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

MEMBER (J)

YUK ORAL ORDERS 12.05.2021

ORIGINAL APPLICATION ST. NO.503/2021
(Ranjana wd/o. B. Solat Vs. State of Maharashtra & Ors.)

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

DATE : 12.05.2021

ORAL ORDER :

Heard Dr. Swapnil D. Tawshikar, learned Advocate for the applicant, Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, **S.O. to 24-05-2021** for filing M.A.

MEMBER (J)

ORIGINAL APPLICATION NO.261/2020
(Parag Nawalkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 12.05.2021
ORAL ORDER :

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

2. In this O.A., the impugned orders of transfers at Annexure A-7 collectively dated 10-08-2020 issued by the respondent no.1 is challenged whereby the applicant was transferred from Ahmednagar to Beed. As on the date of application, the applicant was working on the post of Superintendent of State Excise, Ahmednagar. The impugned order of transfer is a general transfer order. It is grievance of the applicant that his transfer order is passed without following the mandatory provisions of law.

3. Learned Advocate for the applicant has placed on record written representation dated 05-05-2021 (marked as Exhibit-X) addressed by him to the respondent no.1 seeking convenient posting on vacant post, if any, at Pune or nearby in view of the ensuing general transfers of 2021. It is contended by the applicant that his 3 months' old son is suffering from the disease of Antenatally Detected Neuroblastoma. His son is being treated at Jahangir Hospital, Pune. The applicant is also facing financial

difficulties as he is unable to join his transferred post due to various reasons. In view of the above, the learned Advocate for the applicant submits that O.A. can be disposed of by giving direction to the respondents to consider the said representation dated 05-05-2021 made by the applicant in accordance with law and favorably.

4. Learned CPO submitted that appropriate order may be passed and O.A. can be disposed of.

5. Considering the facts and circumstances mentioned above, it can be seen that the applicant does not intend to pursue the O.A. and instead he is seeking the suitable directions. In view of above, in my opinion, the O.A. can be disposed of by giving suitable directions to the respondents.

6. In view of above situation, O.A. is disposed of for want of prosecution directing the respondents to consider representation dated 05-05-2021 made by the applicant to the respondents in the ensuing general transfers of the year 2021. There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.123/2021
(Gaurishankar Swami Vs. State of Maharashtra & Ors.)

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

DATE : 12.05.2021

ORAL ORDER :

Heard Shri K.G.Salunke, learned Advocate for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned CPO submits that he has received the original record and supplies copy of the same on record as well to the applicant.

3. By consent, S.O. to 17-05-2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 146 OF 2021
(Chandrashekar S. Kulthe Vs. State of Maharashtra &
Ors.)**

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

DATE : 12.05.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondent, S.O. to 24.05.2021 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 12.5.2021-HDD

**ORIGINAL APPLICATION NO. 85 OF 2020
(Satwa N. Sangle Vs. State of Maharashtra & Ors.)**

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

DATE : 12.05.2021

ORAL ORDER :

Heard Shri Satish P. Dhobale, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer for the respondents submitted that some of the documents from local office is received, but original record yet to be received.

3. In view of the above, S.O. to 10.06.2021 for filing original record. The interim relief granted by the Tribunal vide order dated 13.2.2020 to continue till then.

MEMBER (J)

Date : 12.05.2021

ORIGINAL APPLICATION NO. 217 OF 2021

(Sunil T. Apte V/s State of Maharashtra & Ors.)

**Per :- Standing directions of Hon'ble Chairperson,
M.A.T., Mumbai**

1. Shri P.K. Shingare, learned Advocate holding for Shri S.R. Barlinge, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 14.06.2021. The case be listed for admission hearing on 14.06.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR