

**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: -12/07/2023

S r. N o	Case No.	Distri ct	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	MA209/23 In OAS746/2 3	Hingoli	Adv.P.M. Shinde/ Adv.P.B. Jadhav (Shesherao G Jadhav)	M.A. For Sue Jointly		9-8- 2023
2	OA589/23	O'bad	Adv.K.G. Salunke Adv.K.G. Salunke has Filed Leave Note From 10/07/2023 to 12/07/2023 (Pramod L Sarvade)	Selection Process (MPSC)	Circulati on	17-7- 2023
3	OA594/23	Nanded	Adv.Ajinkya Reddy (Sandhya S Shinde)	Appointmen t	Circulati on	10-8- 2023
Order Matters						
4	MA176/21 In OAS498/2 1	O'bad	Adv.V.B. Wagh (Pruthviraj S Patil)	M.A. For Condonatio n of Delay	For Hearing	24-8- 2023
5	MA16/22 In OAS1505/ 21	A'nagar	Adv.V.B. Wagh (Ramesh R Kulthe)	M.A. For Condonatio n of Delay	For Hearing Reply Filed by R-2 & R-3	24-8- 2023

6	MA213/23 In OA425/20	A'bad	Adv.Sharad V Natu/ Adv.H.A. Joshi (Sachin U Shinde & Ors.) <u>Adv.M.B.</u> <u>Bharaswadkar for</u> <u>R.Nos.2 to 7 & 11 in</u> <u>OA425/20</u>	Seniority List		18-8- 2023
7	OA338/23	A'bad	Adv.R.A. Joshi (Sachin U Shinde & Ors.) <u>Adv.M.B.</u> <u>Bharaswadkar for</u> <u>R.No.1</u>	Seniority	Notice of R.No.1 Return Await Service for R-2	18-8- 2023
High On Board Matters						
8	OA185/16	Dhule	Adv.A.S. Shelke (Lalu J Pawara) <u>Adv.K.B. Jadhav for</u> <u>R.No.4</u> <u>Adv.C.V. Bhadane for</u> <u>R.No.3</u>	Reversion	<u>Part</u> <u>Heard</u> Reply Filed by R-2 & R-4	28-8- 2023
9	OA233/16	A'bad	Adv.S.K. Mathpati (Pankaj W Pangul)	Seniority/ Promotion	<u>Part</u> <u>Heard</u> Reply Filed by R-2 & R-3	28-8- 2023
10	OA355/16	Nanded	Adv.V.D. Gunale (Shaikh Jamil Fakir Saheb) <u>Adv.N.S. Kadam for</u> <u>R.Nos.3 & 4</u>	Termination	<u>Part</u> <u>Heard</u> Reply Filed by R-1 to R- 4	29-8- 2023
11	MA332/22 In OA742/22	Nanded	Adv.A.V. Lavte/ Adv.Sarvesh Naik	M.A. For I.R.	<u>For</u> <u>Expedite</u> <u>d Hearing</u>	18-7- 2023

	With		(Ram H Navtakke)			
1 2	MA340/22 In OA588/22 with	Nanded	Adv.A.V. Lavte/ Adv.Sarvesh Naik (Ramesh M Chavan)	M.A. For I.R.	<u>For Expedite d Hearing</u>	18-7- 2023
1 3	MA341/22 In OA589/22 with	Nanded	Adv.A.V. Lavte/ Adv.Sarvesh Naik (Vijaykumar A Naik)	M.A. For I.R.	<u>For Expedite d Hearing</u>	18-7- 2023
1 4	MA342/22 In OA590/22 with	Nanded	Adv.A.V. Lavte/ Adv.Sarvesh Naik (Shivaji R Potdar)	M.A. For I.R.	<u>For Expedite d Hearing</u>	18-7- 2023
1 5	MA343/22 In OA591/22 with	Nanded	Adv.A.V. Lavte/ Adv.Sarvesh Naik (Khaja Latifoddin Mohammad Hasnuddin & Ors.)	M.A. For I.R.	<u>For Expedite d Hearing</u>	18-7- 2023
1 6	MA344/22 In OA592/22	Nanded	Adv.A.V. Lavte/ Adv.Sarvesh Naik (Gangadhar S Pentewad)	M.A. For I.R.	<u>For Expedite d Hearing</u>	18-7- 2023
Due Admission Matters						
17	CP19/20 In OA704/17 with	A'bad	Adv.Jayant B Choudhary (Asman D Garje & Ors.)	Contempt Petition	Writ Pending Before Hon'ble High Court For Hearing Short Affidavit in Reply Filed by R-3	3.8.2023

18	CP27/20 In OA749/17	A'bad	Adv.Jayant B Choudhary (Mohammad Abdul Hai Mohammd Abdul Gani & Ors)	Contempt Petition	Writ Pending Before Hon'ble High Court For Hearing Short Affidavit in Reply Filed by R-2	3.8.2023
19	CP42/22 In OA801/12	Hingol i	Adv.S.D. Dhongde (Baliram B Rathod)	Contempt Petition	For Hearing Reply Filed by R-2 & R-3	8.8.2023
20	OA633/19	A'nag ar	Adv.A.S. Deshmukh (Meena C Shivagunde) <u>Adv.K.U. More for R.No.4</u>	Terminati on	For Hearing Reply Filed by R-1 & R-3	11.8.202 3
21	OA308/20	Beed	Adv.Ameya N Sabnis (Ranjeet T Bhorje) <u>Adv.Mahesh B Ubale for R.No.3</u>	Selection/ Wating List	For Hearing Reply Filed by R-2	12.9.202 3
22	OA419/20	O'bad	Adv.S.S. Jadhavar (Ashish D Dhakane)	Departme ntal Enquiry/ Dismissal	For Admission Reply Filed by R-1 to R-3	12.9.202 3
23	OA421/21	P'bha ni	Adv.V.G. Pingle (Manohar M Bharane) <u>Adv.Shamsunder B Patil For R.No.3</u>	Benefit of G.R.	For Admission Reply Filed by R-3	13.9.202 3
24	OA567/21	A'nag ar	Adv.Swaraj S Tandale (Arifa Gulab Maniyar)	Quashing of Departme ntal Enquiry	For Hearing Reply Filed by R-1 to R-3	13.9.202 3

25	OA679/21	Jalna	Adv.K.B. Jadhav (Mahesh G Satkar)	Rmoval From Service	For Hearing Reply Filed by Respondent s	12.9.202 3
26	OA731/21	Dhule	Adv.Kakasaheb B Jadhav (Sunil L Mali)	Dismissal From Service	For Hearing Reply Filed by R-1 to R-4	13.9.202 3
27	OA779/21	Nand ed	Adv.J.P. Legal Associates (Datta A Tumram)	Seniority/ Continuit y in Service	For Hearing Reply Filed by R-2 to R-6	14.9.202 3
28	OA816/21	Nand ed	Adv.V.B. Dhage (Ramkisan J Nampalle & Ors.)	Seniority List- Kotwal	For Hearing Reply Filed by R-1 & R-2	15.9.202 3
29	OA819/21	A'nag ar	Adv.P.R. Wankhade (Laxman G Lagad & Ors.)	Challengi ng G.R.	For Admission Reply Filed by R-1 to R-6	15.9.202 3
30	OA86/22	O'bad	Adv.R.D. Khadap (Ranjit D Shingare)	Challengi ng Amended Rules/ Examinati on Result	For Hearing Reply Filed by R-3	18.9.202 3
31	OA310/22	P'bha ni	Adv.M.N. Kolhe/ Adv.P.M. Gaikwad (Shivaji M Deshmukh)	Appoiant ment	For Hearing Reply Filed by R-3 & R-4	5.9.2023
32	OAS376/2 2	P'bha ni	Adv.O.Y. Kashid (Abhilash V Gore)	Departme ntal Enquiry	With Office Objection For Admission Reply Filed	7.8.2023

					by R-3	
33	OA418/22	Beed	Adv.D.K. Dagadkhair (Ramhari S Khade)	Seniority List	For Admission Reply Filed by R-1 & R-3	18.9.202 3
Final Hearing Matter						
34	OA626/19 With	A'nagar	Adv.S.K. Mathpati (Sheshrao R Giri)	Challengi ng G.R./ Addl. Increment	Reply filed By R-1 to R-4 & R-6 to R-9	23.8.202 3
35	OA641/19 With	A'nagar	Adv.S.K. Mathpati (Vinod S Wadekar & Ors)	Challengi ng G.R./ Addl. Increment	Reply filed By R-1 to R-3 & R-5 to R-12	23.8.202 3
36	OA642/19	Latur	Adv.S.K. Mathpati (Nandkishor B Pathak)	Challengi ng G.R./ Addl. Increment	Reply filed By R-1 to R-10	23.8.202 3
37	OA264/22	Hingoli	Adv.V.B. Wagh (Ganesh P Jagtap)	Promotion	Reply Filed by R-1	22.9.202 3

Assistant Registrar
M. A. T. Bench at A' bad

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

Before: - Court On Leave

Date: -12/07/2023

For Reply Board

S r. N o	Case No.	Distric t	Advocate's & Applicant's Name	Subject	Remarks	
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Due Admission Matters						
1	CP28/22 In OA583/19	Jalgaon	Adv Preeti R Wankhade (Bhaskar D Baviskar)	Contempt Petition	Await Service	10.8.2023
2	CP40/22 In OA1082/19	A'bad	Adv.A.S. Gandhi (Naresh W Sakpal)	Contempt Petition	For Filing Affidavit in Reply	11.9.2023
3	CP36/23 In OA566/20	Nanded	Adv Kakasaheb B Jadhav (Nathu N Khartade)	Contempt Petition	Await Service R-1	1.8.2023
4	OA707/19	A'bad	Adv.S.K. Mathpati (Rama M Shinde) <u>Adv.G.N. Patil for R.No.6 Adv SB.Mene R-5& R-6</u>	Challeng ing G.R./ Advance Incremen t	For Filing Affidavit in Reply & Reply Filed by R-4	23.8.2023
5	OA458/22	Nanded	Adv.J.S. Deshmukh (Dr.Suresh R Pawar) <u>Adv.Yogita S Thorat for R.No.4</u>	Extention of Age Benefit	As a Last Chance For Filing Affidavit in Reply	7.9.2023
6	OA659/22	Beed	Adv.Kiran G Salunke <u>Adv Kiran G Salunke Has Filed Leave Note Form10.07.2023 to 12.07.2023</u> (Navnath C Ugalmugale)	Seniority/ Promotio n	As a Last Chance For Filing Affidavit in Rejoinder	7.9.2023
7	OA678/22	Jalgaon	Adv S P Dhobale / Adv K P Shine Chandrakant R	Selection/ Appointm ent	For Reply	17.8.2023

			Shrawane)			
8	OA700/22	A'nagar	Adv.R.R. Karpe/ (Sujay S Gaydhane)	Appointment	As a Last Chance For Filing Affidavit in Reply R- 1 & R- 3	9.8.2023
9	OA716/22	Beed	Adv.A.D. Sugdare (Dr.Pravinkumar C Govande)	Select List	Await Service R-4 & One More Last Chance For Filing Affidavit in Reply R-1 to R- 3	10.8.2023
10	OA189/23	N'bar	Adv.P.S. Dighe (Lilin R Wagh)	Promotion	For Reply	8.9.2023
11	OA361/23	N'bar	Adv D S Bagul (Zakirhusain Mohamad Khan Pathan)	Promotion	For Reply	8.9.2023
12	OA366/23 In Caveat No12/23	Nanded	Adv A S Deshmukh (Ntin B Kolekar) <u>Caveator Filed By</u> <u>Adv</u> <u>A S Deshpande For</u> <u>R-3 & R-4</u>	Seniority List Reversion	For Reply	8.8.2023
Order Matters						

13	MA55/23 In OA982/22	A'bad	Adv A D Sugdare (Dr.Sanjitkumar M Sant)	MA For Direction	As a Last Chance For Filing Affidavit in Reply	10.8.2023
14	MA276/23 In OA209/22	Latur	Adv C V Dharurkar (Renuka V Saudagar & Ors.)	M.A For Interim Relief	For Filing Affidavit in Reply	19.7.2023

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench
Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE
CHAIRMAN*

Date: -12/07/2023

Sr. No .	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Regular Admission Matters						
1	MA301/23 In OAS889/23	Jalna	Adv.D.T. Devane (Jija Mugaji Londhe & Ors.)	M.A. For Sue Jointly		MA Disposed of in O.A. Notice 18.8.2023
2	MA302/23 In OAS890/23	Jalna	Adv.D.T. Devane (Suresh S Toke & Ors.)	M.A. For Sue Jointly		MA Disposed of in O.A. Notice 18.8.2023
3	MA303/23 In OAS891/23	Jalna	Adv.D.T. Devane (Prabhu N Bhise & Ors.)	M.A. For Sue Jointly		MA Disposed of in O.A. Notice 18.8.2023

4	OA441/23	Nanded	Adv.Poonam Bodke Patil (Kishan P Gaikwad)	Transfer		Disposed of
5	OA588/23	Latur	Adv.R.T. Deshmukh/ Adv.K.G. Salunke Adv.K.G. Salunke has Filed Leave Note From 10/07/2023 to 12/07/2023 (Dr. Laxman S Deshmukh)	Transfer	Circulation	Notice 26.7.2023
6	OA591/23	A'nagar	Adv.P.B. Umrani (Sanjay P Shinde)	Transfer	Circulation	Notice 3.8.2023
7	OA593/23	A'bad	Adv.Mukund R Kulkarni (Chetan S Malunde)	Transfer/ Posting		Notice 24.8.2023
8	OAS744/23	A'bad	Adv.A.T. Hiwrale/ Adv.S.V. Salve (Bansi S Shejwal)	Deemed Date of Promotion	Circulation with Office Objecti on	24.8.2023
9	MASt994/23 In OAS7995/23	P'bhan i	Adv.V.U. Rathod/ Adv.S.S. Kulkarni (Taufik Ali Shaukat Ali)	M.A. For Sue Jointly	Circulation with Office Objecti on	MA Disposed of in O.A. Notice 25.8.2023
10	MASt996/23 In OAS7997/23	Hingol i	Adv.V.U. Rathod/ Adv.V.S. Kadam/ Adv.S.S. Kulkarni (Sheshrao S Garole & Ors.)	M.A. For Sue Jointly	Circulation with Office Objecti on	MA Disposed of in O.A. Notice 25.8.2023

11	MASt998/23 In OASt999/23	Naded	Adv.V.U. Rathod/ Adv.V.S. Kadam/ Adv.S.S. Kulkarni (Sambhaji N Honrao & Ors.)	M.A. For Sue Jointly	Circulation with Office Objection	MA Disposed of in O.A. Notice 25.8.2023
12	MASt1098/23 In OASt1099/23	Hingoli	Adv.Vivek U Rathod (Shankar L Devkar & Ors.)	M.A. For Sue Jointly	Circulation with Office Objection	MA Disposed of in O.A. Notice 25.8.2023
13	MA309/23 IN OA530/23	P'bhani	Adv.K.B. Jadhav (Manjusha M Mutha)	M.A. For I.R.	Circulation	MA Disposed of
14	OA386/23	A'nagar	Adv.V.B. Wagh (Ganesh G Waware)	Suspension / Reinstatement	Circulation	Allowed
Due Admission Matters						
15	OA696/19	J'gaon	Adv.R.P. Bhumkar (Supadu K Surwade)	Time Bound Promotion/ ACPS/ Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-3	22.8.2023
16	OA1061/19	Nanded	Adv.Shamsunder B Partil (Kerba N Jetewad)	Direction/ Pension/ Retirement U/R 2G, 27(4), 130 of MCS(Pension) Rules 1982	Reply Filed by R- 4 & R-5	22.8.2023

17	OA444/21	A'bad	Adv.M.S. Chaudhari (Shivkumar A Pohal)	Compassionate Appointment (Lad Page Samiti)	For Hearing	22.8.2023
18	OA764/21	P'bhan i	Adv R L Jakhade Adv S A Kulkarni (Rajendra R Pal)	Suspension	Reply Filed by R- 1	22.8.2023
19	OA704/22	Beed	Adv.A.S. Deshmukh/ Adv.Saket Joshi (Prakash S Aghav Patil)	Suspension / Reinstatement	For Hearing Reply Filed by R- 1 & R-2	22.8.2023
20	OA718/22	Nanded	Adv.Kakasaheb B Jadhav (Shankar F Pawar)	Refund of Recovered Amount	For Hearing Reply Filed by R- 3	21.8.2023
21	OA852/22	Jalna	Adv.Kakasaheb B Jadhav (Babusing D Rathod)	Benefits of Revised A.C.P.S.	For Hearing Reply Filed by R- 2 & R-3	22.8.2023
22	OA853/22	Jalna	Adv.Kakasaheb B Jadhav (Premsing P Rathod)	Benefits of Revised A.C.P.S.	For Hearing Reply Filed by R- 1 to R-3	22.8.2023

23	OA915/22	A'bad	Adv.Kakasaheb B Jadhav (Kailas M Prajapati)	Recovery/ Refund of Recovered Amount	For Heari ng Reply Filed by R- 1 to R-5	21.8.2023
24	OA202/23	A'bad	Adv.S.S. Dambe (Kailash T Gadekar)	Benefit og ACPS	For Heari ng Reply Filed by R- 1 & R-2	23.8.2023
Final Hearing Matters						
25	OA158/18	J'gaon	Adv.A.S. Deshpande/ Adv.S.P. Manchekar (Dr.Yogesh U Sathe)	Non Release of Salary	Reply filed by R- 1 to R-3	30.8.2023
26	OA540/19	Latur	Adv.P.R. Tandale (The Maharashtra State Gazetted Veterinary Officers'S Union Through its Vice President Dr. Nilkanth S Mane)	Time Bound Promotion/ ACPS/ Revised In Service Assured Progress Scheme	Reply Filed by R- 1 to R-4	30.8.2023
27	OA1045/19	Nande d	Adv.Ajay S Deshpande (Sunil P Pathirkar)	Direction to Complete Departmen tal Enquiry/ Retirement Beneits	Reply Filed by R- 1 to R-3	30.8.2023
28	OA251/20	A'bad	Adv.D.K. Dagadkhair (Sandu R Magar)	Salary/ Pension &	Reply filed	30.8.2023

				Pensionery Benfit	by R-1 to R-5	
29	OA293/20	A'bad	Adv.M.R. Kulkarni (Vilas U Jagtap)	Deem Date	Reply Filed by R-1 to R-3	30.8.2023
30	OA333/20	A'bad	Adv.Kakasaheb B Jadhav (Arjun M Pawar) <u>Adv.Sham B Patil</u> <u>For R.No.2</u>	Recovery Against Govt. Quarter	Reply Filed by R-2 to R-3	31.8.2023
31	OA437/20	A'bad	Adv.K.B. Jadhav (Arjun D Kharat)	Interest on Delayed Payments/ Refund of Recovered Amount	Reply Filed by R-1 to R-5	31.8.2023
32	OA585/20	Hingoli	Adv.Vidya Taksal (Andan B Datar)	Suspension	Reply Filed by R-1 to R-5	31.8.2023
33	OA248/21	A'bad	Adv.V.G. Salgare (Sunil S Pawar) <u>Adv.S.B. Patil for R.Nos.2 to 4</u>	Interest on Delayed on Payment	Reply Filed by R-1 to R-5	1.9.2023
34	OA384/21	A'bad	Adv.V.B. Wagh (Shripatrao B Gaikwad)	Pension & Pensionery Benefits	Reply Filed by R-1 to R-4	19.7.2023
35	OA70/22 with	Jalna	Adv.V.B. Wagh (Ramkisan K Mante)	Suspension Period/ Recovery	Reply Filed by Respo ndent	26.7.2023

36	OA71/22 with	Jalna	Adv.V.B. Wagh (Sampat D Pawar)	Regularisation Suspension Period/ Pension	Reply Filed by Respo ndent	26.7.2023
37	OA72/22	Jalna	Adv.V.B. Wagh (Arjun M Pawar)	Regularisation Suspension Period	Reply Filed by Respo ndent	26.7.2023

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

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

CHAIRMAN

Date: -12/07/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA164/21	A'bad	Adv.Preeti R Wankhade (Balu A Chavan)	Suspension	For Filing Affid avit in Rejoi nder	22.8.2023
2	OA796/21	Dhule	Adv Amol S Gandhi (Dinesh A Chavan)	Compassioan te Appointment	By Way of Last Chanc e For	22.8.2023

					Filing Affidavit in Reply	
3	OA67/22	A'nagar	Adv Amol S Gandhi (Gopinath J Dhanwade)	Benefits of T .B.P. & A.C.P.S	By Way of Last Chance For Filing Affidavit in Reply	22.8.2023
4	OA538/22	O'bad	Adv.H.P. Jadhav (Narendra L Rathod)	Minor Punishment	Reply Filed By R-1 to R-4 & For Filing Affidavit in Rejoinder	22.8.2023
5	OA713/22	A'bad	Adv.P.R. Wankhade (Gorakh D Pathade)	Recovery/ Refund of Reovered Amount	Last Chance For Filing Affidavit in Reply	22.8.2023
6	OA795/22	Latur	Adv.V.P. Golewar (Dr. Vishwanath S Biradar)	Pension & Pensionery Benefit/ Arrears of Salary	By Way of Last Chance For	22.8.2023

					Filing Affidavit in Reply <u>Ref Order Dtd.</u> <u>17-03-2023</u>	
7	OA1055/22	A'nagar	Adv. Vishwas B Wagh (Hemantkumar M Sonawani & Ors.) <u>Adv A S Dhongde</u> <u>For R- 4 & R-6</u>	Absorption	For Reply	22.8.2023
8	OA1057/22	A'nagar	Adv.A.S. Khedkar (Sharad K Wakchaure)	Re Fixation of Pension/ Recovery	For Filing Affidavit in Reply	23.8.2023
9	OA1066/22	Hingoli	Adv P S Dighe (Govind B Rathod)	Recovery	For Filing Affidavit in Rejoinder	23.8.2023
10	OA1147/22	Jalgaon	Adv Kakasaheb B Jadhav (Jananrdan G Koli)	Absorption	Reply Filed By R-1 to R-4 & For Filing Affidavit	23.8.2023

					in Rejoinder	
11	OA43/23	Nanded	Adv I D Maniyar (Liyakatbi Shikh Hyder)	Family Pension	For Filing Affidavit in Rejoinder	23.8.2023
12	OA71/23	A'bad	Adv Amol R Gaikwad (Dattatrya D Sonune)	Minor Punishment	For Reply	23.8.2023
13	OA251/23	A'bad	Adv Shaikh Mazhar A. Jahagirdar (Ashok B Shejwal)	Compassionate Appointment	For Reply	2.8.2023
14	OA106/23	A'bad	Adv D R Irale Patil (Mohammad Fiaz Mh Ibrahim) <u>Adv K S Solanke</u> <u>For</u> <u>R- 3</u>	Interest on Delayed Payment	For Reply	23.8.2023
15	OA297/23	P'rbn	Adv Kiran G Salunke <u>Adv Kiran G Salunke</u> <u>Has Filed Leave Note</u> <u>Form 10.07.2023 to</u> <u>12.07.2023</u> (Prashant B Kachhawa) <u>Adv R R Imale/</u> <u>Adv R D Khadp For R-4</u>	Directions	Await Service	23.8.2023
16	OA407/23	O'bad	Adv Nilesh J Patil/ Adv K S Patil (Surendra S Pawar)	Transfer	Notice Not Obtained	23.8.2023
17	OA421/23	Jalgao	Adv V B Wagh/	Transfer	For	23.8.2023

		n	Adv A S Therokar (Dinesh S Thakur)		Reply	
18	OA469/23	Beed	Adv U P Giri (Santosh P Raut)	Transfer	Await Service	21.7.2023
Order Matters						
19	MA358/21 In OAS313/2 1	Beed	Adv V S Undre (Sarita V Rode)	M.A. For Condonation of Delay	For Taking Neces sary Steps Await Service of Notic e <u>Ref</u> <u>Order</u> <u>Dtd.21.</u> <u>10.202</u> <u>2</u>	24.8.2023
20	MA546/22 In OAS1695/ 22	Nanded	Adv.A.B. Shinde (Shaukat Ullah Khan Ahsan Khan)	M.A. For Condonation of Delay	For Filing Affid avit in Reply	24.8.2023
21	MA178/22 In OAS447/2 2	Dhule	Adv M R Wagh (Ratnabai B Patil)	M.A. For Condonation of Delay	Await Service of Notic e	24.8.2023
22	MA209/22 In OAS108/2 1	Beed	Adv.M.R. Kulkarni/ Adv.Mujahed Hussain (Ashok R Jujgar)	M.A. For Condonation of Delay	For Filing Affid avit in Reply	25.8.2023
23	MA565/22	Nanded		MA For	Await	25.8.2023

	In OAS1941/ 22	d	Adv A S Deshpande (Rajeev U Saxena)	Condonation of Delay	t Servic e	
24	MA98/23 In OAS75/23	A'bad	Adv.L.K. Pradhan (Ashok A Keskar)	M.A. For Condonation of Delay	For Reply	24.7.2023
25	MA259/23 In OAS976/2 3	Jalna	Adv D B Pawar- Pathrekar (Maheboob Khan S/o Usman Khan Pathan)	M.A For Condonation of Delay	For Reply	25.8.2023

ORIGINAL APPLICATION NO.588/2023

(Dr. Laxman S. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 12-07-2023

ORAL ORDER :

Heard Shri K.G.Salunke, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Aggrieved by the order dated 30-06-2023 whereby the applicant has been transferred from the post of Civil Surgeon, Latur to the post of Medical Superintendent, General Hospital, Udgir, Dist. Latur has filed the present O.A. Learned Counsel for the applicant submitted that the transfer of the applicant has been ordered without following the procedure as laid down in 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 guidelines issued in that regard from time to time.

3. Learned Counsel further submitted that the applicant is due to retire on 30-06-2024 i.e. within a

year of his effecting transfer from Latur. Learned Counsel submitted that there are provisions in the

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O.A.NO.588/2023

Transfer Act itself facilitating the retention of such employees whose retirement is within one year from the date of transfer, to be retained at the station at which they are presently posted till their retirement. Learned Counsel further submitted that wife of the applicant is suffering from Cancer and this is another weighing ground according to the learned Counsel to challenge the impugned order. Learned Counsel in the circumstances has prayed for staying effect and operation of the impugned order till decision of the O.A.

4. Shri Bhumkar, learned P.O. appearing for the respondent nos.1 to 3 submitted that the applicant has already been relieved from his existing post and the charge has been handed over to respondent no.4. It is further contended that the applicant has been transferred by invoking powers under section 4(4)(ii) and 6 of the Transfer Act. Learned P.O. submitted that presently there are no instructions so as to make any submissions as to which were the exceptional circumstances for which the

respondents have transferred the applicant from Latur to Udgir. Learned P.O. submitted that

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O.A.NO.588/2023

considering all the above circumstances, no case is made out for grant of interim relief. Learned P.O. prays for 2 weeks' time to file affidavit in reply.

5. I have duly considered the submissions advanced on behalf of the applicant as well as the learned P.O. Section 4(4)(ii) of the Transfer Act reads as under:

“4. (4) The transfers of Government servants shall ordinarily be made only once in a year in the month of April or May :

Provided that, transfer may be made any time in the year in the circumstances as specified below, namely :—

(i)

(ii) where the competent authority is satisfied that the transfer is essential due to exceptional circumstances or special reasons, after recording the same in writing and with the prior approval of the next higher authority.”

6. It need not be stated that in the order of transfer respondents are not expected to elaborate the reasons or circumstances for transfer of an

employee. Such circumstances can be brought on record through affidavit of the respondents.

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O.A.NO.588/2023

As such, when the transfer has been effected by invoking powers under section 4(4)(ii) it would be unjust and improper to pass any order unless an opportunity is given to the respondents to bring on record such circumstances.

7. On this, learned Counsel for the applicant submitted that in the present matter the respondents be directed to file affidavit in reply placing all necessary documents along with it by giving advance copy of the same to him. Submission so made by the learned Counsel is worth considering.

8. For the reasons stated above, following order is passed:

ORDER

[i] Issue notice to respondents, returnable on 26-07-2023.

[ii] **Respondents shall file affidavit in reply without fail by giving advance copy to the**

learned Counsel for the applicant with all documents in support of their contentions.

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O.A.NO.588/2023

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

[iv] 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.

[v] 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.

[vi] 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.

[vii] S.O. to 26-07-2023.

[viii] Steno copy and Hamdast is allowed to both parties.

YUK ORAL ORDER 12.07.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO.106/2023
(Mohammad Faiz Ibrahim Vs. State of Maharashtra & Ors.)

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

DATE : 12-07-2023

ORAL ORDER :

Shri D.R.Irale Patil, learned Counsel for the applicant, Shri N.U.Yadav, learned Presenting Officer for the respondent authorities and Shri K.S.Solanke, learned Counsel for respondent no.3, are present.

2. Learned Counsel for respondent no.3 has tendered affidavit in reply on behalf of respondent no.3. It is taken on record. Copy thereof is already served on the learned Counsel for the applicant.

3. On request of learned P.O. last chance is granted to file affidavit in reply on behalf of respondent authorities. It is clarified that if reply is not filed on or before the next date, the matter will be heard without reply of the respondents.

4. S.O. to 23-08-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1055/2022
(Hemantkumar Sonawane & Ors. Vs. State of Maharashtra
& Ors.)

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

DATE : 12-07-2023

ORAL ORDER :

Smt. Vijaya Adkine, learned Counsel holding for Shri V.B.Wagh, learned Counsel for the applicant Shri B.S.Deokar, learned Presenting Officer for the respondent authorities and Shri A.S.Dhongde, learned Counsel for respondent nos.4 & 6, are present.

2. On request of learned P.O. as well as learned Counsel for respondent nos.4 & 6 last chance is granted to file affidavit in reply on behalf of respondents. It is clarified that if reply is not filed on or before the next date, the matter will be heard without reply of the respondents.

3. S.O. to 22-08-2023.

VICE CHAIRMAN

YUK ORAL ORDER 12.07.2023

ORIGINAL APPLICATION NO.1066/2022
(Govind Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 12-07-2023

ORAL ORDER :

Smt. Vijaya Adkine, learned Counsel holding
for Shri P.S.Dighe, learned Counsel for the applicant
and Shri S.K.Shirse, learned Presenting Officer for
the respondent authorities.

2. Learned Counsel for the applicant states that
applicant does not wish to file rejoinder. Hence, list
the matter for hearing on 23-08-2023.

VICE CHAIRMAN

YUK ORAL ORDER 12.07.2023

ORIGINAL APPLICATION NO.469/2023
(Santosh Raut Vs. State of Maharashtra & Ors.)

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

DATE : 12-07-2023

ORAL ORDER :

Shri U.P.Giri, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant submits that he will file service affidavit in the office. Hence, list the on 21-07-2023.

VICE CHAIRMAN

YUK ORAL ORDER 12.07.2023

ORIGINAL APPLICATION NO.441/2023
(Kishan Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 12-07-2023

ORAL ORDER :

Heard Smt. Poonam Bodke Patil, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. On instructions of the applicant learned Counsel prays for leave to withdraw the O.A. Hence, the following order:

O R D E R

O.A. stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.591/2023
(Sanjay Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 12-07-2023

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 03-08-2023.
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 03-08-2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.593/2023
(Chetan Malunde Vs. State of Maharashtra & Ors.)

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

DATE : 12-07-2023

ORAL ORDER :

Heard Shri M.R.Kulkarni, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 24-08-2023.
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 24-08-2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A.NO. 209/2023 IN O.A.ST.NO. 746/2023

(Shesherao G. Jadhav & Anr. 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 : 12.07.2023

ORAL ORDER :

None present on behalf of the applicants. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicants, S.O. to 09.08.2023.

VICE CHAIRMAN

SAS ORAL ORDER 12.07.2023

ORIGINAL APPLICATION NO. 589 OF 2023

(Pramod L. Sarvade 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 : 12.07.2023

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

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

VICE CHAIRMAN

SAS ORAL ORDER 12.07.202

M.A.NO. 332 OF 2022 IN O.A.NO. 742 OF 2022
(Ram H. Navtakke Vs. State of Maharashtra & Ors.)

WITH

M.A.NO.340 OF 2022 IN O.A.NO.588 OF 2022
(Ramesh M. Chavan Vs. State of Maharashtra & Ors.)

WITH

M.A.NO.341 OF 2022 IN O.A.NO.589 OF 2022
(Vijaykumar A. Naik Vs. State of Maharashtra & Ors.)

WITH

M.A.NO.342 OF 2022 IN O.A.NO.590 OF 2022
(Shivaji R. Potdar Vs. State of Maharashtra & Ors.)

WITH

M.A.NO.343 OF 2022 IN O.A.NO.591 OF 2022
(Khaja Lafitoddin Mohammad Hasnuddin & Ors. Vs. State of Maharashtra & Ors.)

WITH

M.A.NO.344 OF 2022 IN O.A.NO.592 OF 2022
(Gangadhar S. Pentewad 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 : 12.07.2023

ORAL ORDER :

Shri A.V. Lavte, learned counsel for the applicants in all these matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all these matters, are present.

2. S.O. to 18.07.2023 for hearing. **High on board.**

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 376 OF 2022

(Abhilash Vilas Gore 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 : 12.07.2023

ORAL ORDER :

Shri O.Y. Kashid, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 07.08.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 12.07.2023

ORIGINAL APPLICATION NO. 189 OF 2023

(Lilin R. Wagh 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 : 12.07.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel holding for Shri P.S. Dighe, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. for the respondents filed affidavit in reply on behalf of the respondent Nos. 1 to 3. It is taken on record and copy thereof has been served on the other side.

3. S.O. to 08.09.2023 for filing affidavit in rejoinder, if any.

VICE CHAIRMAN

DATE : 12.07.2023

ORIGINAL APPLICATION NO. 548 OF 2023

(Mahamad Husain Tayyabsaheb Inamdar V/s The State of Maharashtra & Ors.)

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

1. Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 08.08.2023. The case be listed for admission hearing on **08.08.2023**.
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

**M.A.NO. 309/2023 IN O.A.NO. 530/2023
(Smt. Manjusha M. Mutha Vs. State of Maharashtra &
Ors.)**

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

DATE : 12.07.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel appearing for the applicant submitted that though while issuing notices to the respondents in O.A. No. 530/2023, this Tribunal has clarified that in the meanwhile the respondents may consider the representations submitted by the applicant on their own merits and in accordance with the provisions under the relevant Act and rules, the same has not been considered. Learned counsel submits that the daughter of the applicant is studying in 12th standard and has taken admission at Aurangabad. In the circumstances, request has been made for giving posting to the applicant at any of 4 places, which are vacant, where the applicant can be posted. The learned counsel in the circumstances, has prayed for directions against the respondents to keep one post vacant out of said posts till representations of the applicant are decided.

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M.A.NO. 309/2023 IN
O.A.NO. 530/2023

3. Learned Presenting Officer has opposed for grant of any such relief stating that the authorities are given time to decide the representations by the next date and it shall not be presumed that the respondents may not decide representations of the applicant. Learned counsel appearing for the applicant, however, submitted that the respondents may by taking advantage of the word “may” used in the order may not consider the representations of the applicant. If this be so, the only direction, which can be issued in the present M.A. is to direct the respondents to decide the representations of the applicant by the next date. Order accordingly.

4. The M.A. stands disposed of without any order as to costs.

5. O.A. to come up on board on the scheduled date i.e. on 3.8.2023.

6. Steno copy allowed for the use of learned Presenting Officer.

VICE CHAIRMAN

**M.A.ST.NO. 1282/2023 IN O.A.ST.NO. 744/2023
(Bansi S. Shejwal Vs. State of Maharashtra & Ors.)**

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

DATE : **12.07.2023**

ORAL ORDER :

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

2. The present M.A. St. No. 1282/2023 is not on board. It is taken on board at the request of learned counsel appearing for the applicant.

3. Issue notices to the respondents in M.A. St. No. 1282/2023, subject to removal of office objections, returnable on 24.8.2023.

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 (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 24.8.2023.

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

VICE CHAIRMAN

M.A. NO. 301/2023 IN O.A. ST. 889/2023
(Shri Jija M Londhe & Ors. Vs. State of Maharashtra & Ors.)

M.A. NO. 302/2023 IN O.A. ST. 890/2023
(Shri Suresh S. Toke & Ors. Vs. State of Maharashtra & Ors.)

M.A. NO. 303/2023 IN O.A. ST. 891/2023
(Shri Prabhu N. Bhise & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.7.2023

ORAL ORDER :

Heard Shri D.T. Devane, learned counsel for the applicants in all these matters and S/shri S.K. Shirse, V.R. Bhumkar & B.S. Deokar, learned Presenting Officers for the respondent authorities in respective matters.

2. These are an applications preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the applications, 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.As. be registered and numbered, after removal of office objections, if any. The present M.As. stand disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 889/2023
(Shri Jija M Londhe & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION ST. NO. 890/2023
(Shri Suresh S. Toke & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION ST. NO. 891/2023
(Shri Prabhu N. Bhise & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.7.2023

ORAL ORDER :

Heard Shri D.T. Devane, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The learned counsel for the applicants seeks leave to produce on record certain documents, which are received to the applicants after filing of the Original Applications and intends to incorporate the contextual prayers. Leave granted as prayed for. The amendment is to be carried out forthwith.

3. After amendment is carried out, issue notice to respondents in all these O.As, returnable on 18.8.2023.

4. The issue of interim relief is kept open in all these O.As.

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

6. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing

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O.A. ST. NO. 889/23 & Ors.

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.

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

9. S.O. to 18.8.2023.

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

VICE CHAIRMAN

M.A. ST. NO. 994/2023 IN O.A. ST. 995/2023
(Shri Taufik Ali Shaukat Ali & Ors. Vs. State of Maharashtra & Ors.)

M.A. ST. NO. 996/2023 IN O.A. ST. 997/2023
(Shri Sheshrao S. Garole & Ors. Vs. State of Maharashtra & Ors.)

M.A. ST. NO. 998/2023 IN O.A. ST. 999/2023
(Shri Sambhaji N. Honrao & Ors. Vs. State of Maharashtra & Ors.)

M.A. ST. NO. 1098/2023 IN O.A. ST. 1099/2023
(Shri Shankar L. Devkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.7.2023

ORAL ORDER :

Heard Shri Vivek U. Rathod, learned counsel for the applicants in all these matters and S/shri B.S. Deokar, N.U. Yadav, V.R. Bhumkar & S.K. Shirse learned Presenting Officers for the respondent authorities in respective matters.

2. These are an applications preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the applications, 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.As. be registered and numbered, after removal of office objections, if any. The present M.As. stand disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 995/2023

(Shri Taufik Ali Shaukat Ali & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION ST. NO. 997/2023

(Shri Sheshrao S. Garole & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION ST. NO. 999/2023

(Shri Sambhaji N. Honrao & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION ST. NO. 1099/2023

(Shri Shankar L. Devkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.7.2023

ORAL ORDER :

Heard Shri Vivek U. Rathod, learned counsel for the applicants in all these matters and S/shri B.S. Deokar, N.U. Yadav, V.R. Bhumkar & S.K. Shirse learned Presenting Officers for the respondent authorities in respective matters.

2. Issue notice to respondents in all these O.As, returnable on 25.8.2023.

3. The point of limitation is kept open.

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

5. 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.

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O.A. ST. NO. 995/2023 & ORS.

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

8. S.O. to 25.8.2023.

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

VICE CHAIRMAN

ARJ ORAL ORDER 12.7.2023

M.A. NO. 98/2023 IN O.A. ST. NO. 75/2023
(Shri Ashok A. Keskar Vs. State of Maharashtra & Ors.)

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

DATE : 12.7.2023

ORAL ORDER :

Heard Shri L.K. Pradhan, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. The learned Presenting Officer has sought time to file the affidavit in reply to the Misc. Application. The learned counsel for the applicant pointed out that the applicant is 80 years old and the respondents have already availed due opportunities. In the circumstances, in the interest of justice more 10 days' time granted to the respondents to submit their say to the Misc. Application, else it would be heard without reply.

3. S.O. to 24.72023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 594 OF 2023
(Sandhya Sitaram Shinde 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 : 12.07.2023

ORAL ORDER :

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

2. The applicant had applied for the post of Town Planner from Group-A in pursuance of the advertisement published by the Maharashtra Public Service Commission (in short 'MPSC') on 28.01.2022. Total 18 posts were advertised. Out of which one post was reserved for a candidate falling in the category of EWS (Female). The applicant claims to be falling in the said category. It is the case of the applicant that she possesses the educational qualification as prescribed in the advertisement for the advertised post and also bears experience as prescribed in the advertisement. It is her further case that she has received 106 marks in the written examination. It is the grievance of the applicant that the respondent No. 5, who has been recommended by the MPSC for the said post

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O.A. No. 594/2023

reserved for EWS (Female) did not possess required experience. It is further argued that despite the fact as aforesaid, the MPSC has recommended the name of respondent No. 5, whereas only eligible candidate to be recommended is the present applicant. Learned counsel submitted that the applicant has placed on record all the documents showing that the experience of respondent No. 5 could not have been considered for the advertised post and consequently could not be recommended for appointment on the said post. It is further submitted that the applicant who is working as Planning Assistant and having requisite experience alone was liable to be recommended for the said post by the MPSC. Learned counsel for the applicant submitted that appointment orders may be issued at any time hereinafter. In the circumstances he prayed for the direction against the respondent Nos. 1 and 2 to keep the post reserved for EWS (Female) candidate vacant and not to issue order of appointment in favour of respondent No. 5 till decision of the present Original Application.

3. Shri I.S. Thorat, learned Presenting Officer has sought time to file affidavit in reply. Learned P.O.

submitted that for want of instructions he is unable to make any statement as about the correctness of the fact stated in the O.A. or in the documents filed on record. Learned P.O. in the circumstances has prayed for considering the request for time to file affidavit in reply by the respondents.

4. I have duly considered the submissions made on behalf of the applicant, as well as, respondents. The documents on record *prima-facie* show that the applicant is possessing required educational qualification, as well as, requisite experience prescribed in the advertisement. As has been alleged by the applicant, respondent No. 5 does not possess such experience and in spite of that, her name has been recommended by the MPSC. Learned P.O. has expressed his inability to make any statement either in favour or oppose of the applicant.

5. It is, however, the apprehension of the applicant that though the respondent No. 5 is not eligible for appointment, he is likely to be appointed on the said post. According to the learned counsel,

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the applicant is the only candidate eligible to be recommended for the post. It is the further contention of the applicant that since the applicant has *prima-facie* showed that respondent No. 5 does not possess requisite experience interim direction needs to be issued for keeping one post vacant till decision of the present Original Application. Admittedly there is no reply by MPSC or respondent No. 5. The learned P.O. has sought time to file affidavit in reply, wherein the reasons may be brought on record in respect of the contentions raised in the present Original Application. At this juncture though there is prima-facie substance in the contentions raised by the applicant, unless the affidavit in reply is received from the MPSC, as well as, respondent No. 5, it would be unjust to reach to any conclusion as about the experience of respondent No. 5. In the circumstances, I deem it appropriate to pass the following order :-

ORDER

(i) Issue notices to respondents, returnable on 10.08.2023. **In the meanwhile, if as recommended by MPSC the respondent No. 5 is issued with an**

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appointment order, the same shall be subject to outcome of the present Original Application.

(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 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) S.O. to 10.08.2023.

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

VICE CHAIRMAN

M.A. No. 16/2022 in O.A. St. No. 1505/2021
(Ramesh Rajaram Kulthe 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 : 12.07.2023

ORAL ORDER :

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

2. Learned counsel for the applicant filed short affidavit / rejoinder affidavit. Same is taken on record and copy is given to the learned P.O.

3. S.O. to 24.08.2023 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 338 OF 2023
(Sachin U. Shinde & 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 : **12.07.2023**

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondent authorities. Shri M.B. Bharaswadkar, learned counsel for respondent No. 1, **absent**.

2. At the request of learned counsel for the applicant, reissue notice to respondent No. 2, returnable on 18.08.2023.
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.
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 directed to file affidavit of compliance and notice.
7. S.O. to 18.08.2023.
9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN