

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.09.2023</p> <p align="center">O.A. No.1189 of 2023</p> <p>S.K. BholeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that the Applicant was posted as 'Chief Officer, Junnar Municipal Council' by 'Transfer Order' dated 05.09.2023 of Urban Development Department. Soon thereafter the Urban Development Department by 'Stay Order' dated 08.09.2023 stayed the 'Transfer Order' dated 05.09.2023 of the Applicant on the post of Chief Officer, Junnar Municipal Council.'</p> <p>3. Learned Advocate for the Applicant further states that Applicant had taken charge of the post of Chief Officer, Junnar Municipal Council on 06.09.2023. Meanwhile, on 12.09.2023 the 'Collector of Pune' based on 'Stay Order' is issued by the Urban Development Department dated 08.09.2023 has issued 'Office Order' to assign the 'Additional Charge' of the post of 'Chief Officer, Junnar Municipal Council' to the 'Chief Officer, Manchar, Nagar Panchayat.'</p> <p>4. The Urban Development Department has thus acted in haste and issued the 'Stay Order' dated 08.09.2023 without the knowledge that the fact that Applicant had already joined on the post of 'Chief Officer, Junnar Municipal Council' on 06.09.2023. Hence, it would be advisable for the Urban Development Department to reconsider its decision to issue 'Stay Order' on 08.09.2023. In the aforesaid</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

background 'Interim Relief' is granted to the Applicant. The 'Office Order' of Collector of Pune dated 12.09.2023 by which 'Additional Charge' of the post of Applicant was given to Chief Officer, Manchar, Nagar Panchayat is stayed and the Applicant is allowed to continue the work on the post of Chief Officer, Junnar Municipal Council till next date. Learned P.O. to take instructions in this regard ~~receipt of instructions~~ from the Urban Development Department.

5. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

6. Issue notice before admission returnable on 22.09.2023.

7. 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 O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

8. 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.

9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

11. S.O. to 22.09.2023.

Sd/-

(Debashish Chakrabarty)
Member (A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**O.A.No.537/2023 with O.A.No.538/2023 with O.A.No.539/2023
with O.A.No.550/2023 with O.A.No.551/2023 with
O.A.No.552/2023 with O.A.No.553/2023 with O.A.No.554/2023
with O.A.No.555/2023 with O.A.No.556/2023 with
O.A.No.557/2023 with O.A.No.558/2023 with O.A.No.559/2023
with O.A.No.563/2023 with O.A.No.565/2023 with
O.A.No.566/2023 with O.A.No.571/2023 with O.A.No.581/2023
with O.A.No.582/2023 with O.A.No.585/2023 with
O.A.No.629/2023 with O.A.No.531/2023 with O.A.No.591/2023
with O.A.No.631/2023 with O.A.No.632/2023 with
O.A.No.633/2023 with O.A.No.635/2023 with O.A.No.749/2023
with O.A.No.741/2023 with O.A.No.742/2023 with
O.A.No.743/2023 with O.A.No.744/2023 with O.A.No.745/2023
with O.A.No.747/2023 with O.A.No.753/2023 with
O.A.No.755/2023 with O.A.No.764/2023 with O.A.No.765/2023
with O.A.No.543/2023 with O.A.No.651/2023 with
O.A.No.653/2023 with O.A.No.665/2023 with O.A.No.775/2023
with O.A.No.781/2023 with O.A.No.791/2023
(Through video conference) (A'bad)**

DISTRICT : AURANGABAD

Dr. Snehalata T. Yellambkar & Ors.

....Applicants

Versus

The State of Maharashtra & Ors.

....Respondents

Mr. J.B. Choudhary, learned Advocate for the Applicants in O.A.No.550/2023 with O.A.No.551/2023 with O.A.No.552/2023 with O.A.No.553/2023 with O.A.No.554/2023 with O.A.No.555/2023 with O.A.No.556/2023 with O.A.No.557/2023 with O.A.No.558/2023 with O.A.No.559/2023 with O.A.No.563/2013 with O.A.No.565/2023 with O.A.No.566/2023 with O.A.No.571/2023 with O.A.No.581/2023 with O.A.No.582/2023 with O.A.No.585/2023 with O.A.No.629/2023 with O.A.No.631/2023 with O.A.No.741/2023 with O.A.No.742/2023 with O.A.No.743/2023 with O.A.No.744/2023 with O.A.No.745/2023 with O.A.No.753/2023 with O.A.No.755/2023 with O.A.No.781/2023.

Mr. Abhinandan Vagyani a/w Mr. Manish Kelkar, learned Counsel a/w. Mr. M.S. Mahajan, learned Chief Presenting Officer for the Respondents.



CORAM : **Justice Mridula Bhatkar (Chairperson)**

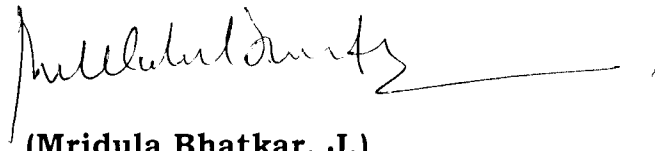
DATE : **13.09.2023.**

O R D E R

1. Mr. Abhinandan Vagyani a/w Mr. Manish Kelkar, learned Special Counsel has submitted that Mr. Nilesh Salunkhe, Desk Officer, Mr. Manohar Bandpatte & Mr. Sunil Dhonde, Under Secretary and Mr. Pankay Kodape, Assistant Desk Officer from the office of Medical Education and Drugs Department, Mumbai are present for giving instructions.
2. Learned Special Counsel Mr. Vagyani has submitted that he will file affidavit-in-reply in O.A.No.741/2023 with O.A.No.742/2023 with O.A.No.743/2023 with O.A.No.744/2023 with O.A.No.745/2023 with O.A.No.747/2023 with O.A.No.753/2023 with O.A.No.755/2023 with O.A.No.764/2023 with O.A.No.765/2023 with O.A.No.543/2023 with O.A.No.651/2023 with O.A.No.653/2023 with O.A.No.665/2023 with O.A.No.775/2023 with O.A.No.781/2023 with O.A.No.791/2023 and serve all the concerned by 20.09.2023.
3. Perused of the minutes of the Civil Services Board. However, it is, prima facie, difficult to accept that these are the minutes regarding regular transfers and so also these transfers are not regular transfers but only for special reasons or exceptional circumstances. Therefore, a query was made whether regular transfers were made in the year 2023 of this Department. The special counsel for the Respondents submitted that the meeting of the Civil Services Board was conducted

not for regular transfers and no regular orders of transfers were issued pursuant to any other meeting of C.S.B. Considering this factual position, the Respondents to show exceptional circumstances and special reasons to make out a case under Section 4(4) of the ROT Act 2005.

4. Adjourned to 27.09.2023. Interim relief, in any, to be continued till final disposal.



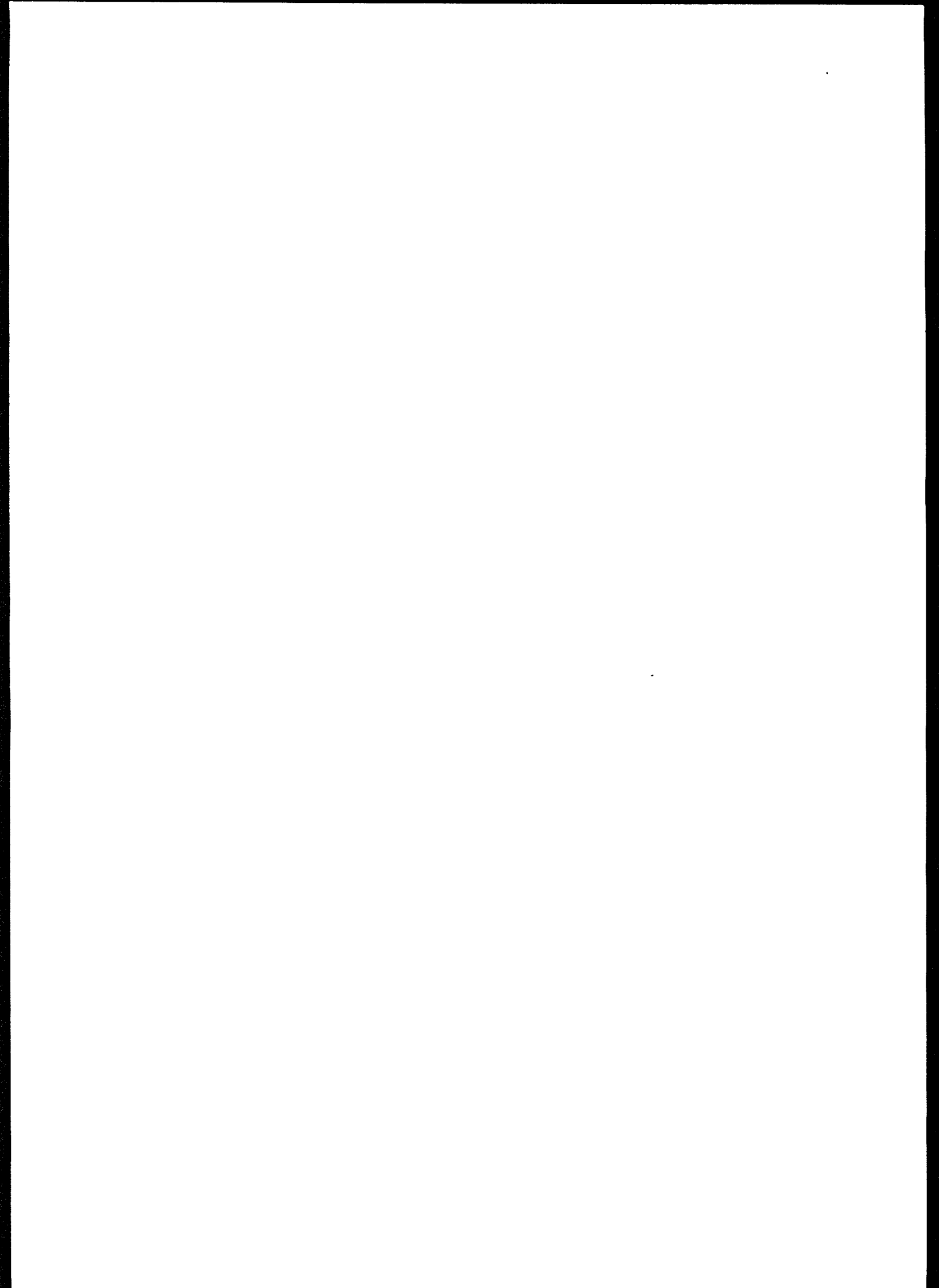
(Mridula Bhatkar, J.)

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Sd/-

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**O.A.NO.831/2023
(Through video conference) (A'bad)**

DISTRICT : AURANGABAD

Dr. Mukram Gulam Ghouse KhanApplicant
Versus
The State of Maharashtra & Ors.Respondents

Mr. J.B. Choudhary, learned Counsel for the Applicant.

Mr. Abhinandan Vagyani a/w Mr. Manish Kelkar, learned Counsel
a/w. Mr. M.S. Mahajan, learned Chief Presenting Officer for the
Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 13.09.2023.

O R D E R

1. Applicant, Associate Professor in Ophthalmologist in Central Government Hospital in Shri Bhausahab Hire Government Medical College, Dhule challenges transfer order dated 13.07.2023 thereby transferring him from Dhule to Miraj, District Sangli.

2. Learned Counsel has submitted that the applicant prays for interim relief for staying the transfer order dated 13.07.2023 and allowing him to work on his post as Associate Professor, Dhule. The Applicant challenges the transfer order on the following grounds :

(i) Applicant was appointed as Assistant Professor on 07.06.2022 and was posted at Dhule. On 10.12.2021 the Applicant was promoted to the post of Associate Professor, Dhule. Thus, the applicant has put in one year and 8 months on the post of Associate Professor so he is due for transfer in the



year 2023. Thus it is mid-term transfer because transfer order is issued without complying the provisions of Section 4(4) of the Maharashtra Government Servants (Regulation of Transfer and Prevention of Delay in Discharge of official Duties) Act, 2005 (hereinafter referred as 'ROT Act 2005' for brevity).

(ii) No procedure is followed while issuing the transfer order of the applicant.

(iii) No list of eligible candidates is published by the Respondents.

3. Learned Advocate has submitted that in this Department at Dhule there is only one post of Associate Professor on which applicant is working and he has 6 P.G. students registered under the Applicant. Learned Advocate has submitted that the applicant has made representation dated 17.07.2013 for cancellation of transfer order. He further relies on the order passed dated 21.07.2023 passed by this Tribunal in O.A.Nos.884, 885, 888/2023, Dr. J.T. Sankpal & Ors. Versus The State of Maharashtra & Ors.,

4. Learned Special Counsel Mr. Vagyani a/w Mr. Manish Kelkar, learned Special Counsel has stated that Mr. Nilesh Salunkhe, Desk Officer, Mr. Manohar Bandpatte & Mr. Sunil Dhonde, Under Secretary and Mr. Pankay Kodape, Assistant Desk Officer are present from the office of Medical Education and Drugs Department for giving instructions. He has submitted that it is not correct to say that there is only one post of Associate Professor in Dhule in the Shri Bhausahab Hire Government Medical College, as there are two posts of Associate Professor in Ophthalmologist and both are filled in. Out of which the Applicant is working on one post and Ms. Vaishali Une is working on another post as Associate Professor in Ophthalmologist in Dhule.

Learned Special Counsel Mr. Abhinandan Vagyani has further submitted that the post of Associate Professor in Miraj is vacant and nobody is posted on that post. He further states that the Applicant has approached the Tribunal after two months of the issuance of transfer order.

5. Considering submissions. On query I am informed by the Respondent-State that the post of Associate Professor in Miraj is vacant since last one year. If it is so then the post at Mirja is required to be filled up. However, I call upon the State to put up the facts on the point of midterm transfer. Reliance is placed on order passed dated 21.07.2023 in O.A.Nos.884, 885, 888/2023, Dr. J.T. Sankpal & Ors. Versus The State of Maharashtra & Ors,

“7. Section 4 specifically mentions that Government servants who are due for transfer, the authority is required to prepare list of the Government servants who are due for transfer much earlier i.e. in the month of January itself to enable to issue transfer orders in the month of April-May in the year. When the Act mentions the time and the period specifically then the Government is duty bound to follow the procedure as it is. There is always a though, lot of deliberation by the law makers, when such time frame is mentioned in the 'Act' itself. If at all Govt. wants to go beyond the period then it will amount of mid-term transfer. It is to be noted that last year on account of COVID-19 Pandemic being global calamity it was not possible to follow the schedule of the transfer contemplated under Section 4 of the Transfer Act. But it is not the case in this year and therefore it is expected that every department should do their paper work of the transfer in the month before April and so that the CSB can be conducted within time to enable to issue the order of transfers in the month of April-May in each year. It is made clear that mere conducting CSB is not fulfilling the procedure when further the approval of the Hon'ble Minister or Hon'ble Chief Minister is required. It is the responsibility of the concerned department to complete the procedure within time frame and the department should place the file for orders well within time before the Hon'ble Minister for issuing orders in the month of April-May. If the files are placed in late May and the

signatures are not obtained within time limit then orders issued after stipulated time frame are to be considered as mid-term transfers. Thus considering the legal position prima facie I am of the view that the ground that signature could not be obtained on account of administrative ground and therefore the transfer orders could not be issued within time, is a lame excuse. This is a matter of putting up file efficiently within time before the Hon'ble Ministers."

6. Perused of the minutes of the Civil Services Board. However, it is difficult to accept that these are the minutes regarding regular transfers and if these transfers are not regular transfers but only for special reasons or exceptional circumstances, a query was made whether regular transfers were made in the year 2023 of this Department. The special counsel for the Respondents submitted that the meeting of the Civil Services Board was conducted not for regular transfers and no regular order of transfer were issued pursuant to any other meeting of C.S.B. Considering this factual position, the Respondents to show exceptional circumstances and special reasons to make out a case under Section 4(4) of the ROT Act 2005.
7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
8. Issue notice before admission returnable on 20.09.2023.
9. 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 O.A. Private service is allowed. Respondents are put to notice that the case may 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

12. Adjourned to 20.09.2023 for hearing on interim relief.

Sd/-

(**Mridula Bhatkar, J.**)
Chairperson

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**O.A.NO.832/2023
(Through video conference) (A'bad)**

DISTRICT : AURANGABAD

Dr. Abdul Rafe Abdul QuadeerApplicant
Versus
The State of Maharashtra & Ors.Respondents

Mr. J.B. Choudhary, learned Counsel for the Applicant.

Mr. Abhinandan Vagyani a/w Mr. Manish Kelkar, learned Counsel
a/w. Mr. M.S. Mahajan, learned Chief Presenting Officer for the
Respondents.

CORAM : **Justice Mridula Bhatkar (Chairperson)**

DATE : **13.09.2023.**

O R D E R

1. The Applicant, Associate Professor, Group-B, Department of Surgery, Government Cancer Hospital and Government Medical College at Aurangabad is transferred from Aurangabad to Government Medical College, Satara by order dated 30.06.2023.

2. Learned Counsel Mr. J.B. Choudhary has submitted that the Applicant is Ophthalmologist and treating cancer patients and was given special training in Tata Memorial Hospital, Mumbai. Learned Advocate has submitted Applicant was due for transfer. He challenges transfer order dated 30.06.2023 on the following grounds :


(i) The G.R. dated 09.04.2018 regarding options for choice posting was not considered in case of the Applicant.

(ii) No counselling has taken place.



3. Learned Special Counsel Mr. Abhinandan Vagyani a/w Mr. Manish Kelkar, learned Special Counsel states that Mr. Nilesh Salunkhe, Desk Officer, Mr. Manohar Bandpatte & Mr. Sunil Dhonde, Under Secretary and Mr. Pankay Kodape, Assistant Desk Officer who are present from the office of Medical Education and Drugs Department for giving instructions. He has submitted that the Applicant is not an Ophthalmologist, but a general surgeon and given a special training to treat cancer patients in Tata Memorial Hospital, Mumbai sponsored by the Government. Learned Special Counsel has relied on the G.R. dated 02.07.2022 in respect of the grouping of various posts on the basis of pay scale. The Civil Servants whose salary is not less than Rs.11,500/- they are treated in Group-A and Applicant's pay scale is Rs.13,500/- therefore he falls in Group-A. Hence, G.R. dated 09.04.2018 is not applicable to the present Applicant.

4. Learned Counsel Mr. Choudhary by way of reply pointed out to G.R. dated 27.05.2016. Learned Advocate has submitted that G.R. dated 27.05.2016 issued by the G.A.D. diluted the G.R. dated 02.07.2002 by keeping the groups of B and C category as it is A, B, C and D as it is based on the basic staffing pattern and the Recruitment Rules. Learned Counsel Mr. Choudhary has further submitted that in the transfer order of the Applicant's post is shown as Group B hence the G.R. dated 09.04.2018 is attracted.



5. Perused of the minutes of the Civil Services Board. However, it is difficult to accept that these are the minutes regarding regular transfers and if these transfers are not regular transfers but only for special reasons or exceptional circumstances. Therefore, a query was made whether regular transfers were made in the year 2023 of this Department. The special counsel for the Respondents submitted that the meeting of the Civil Services Board was conducted not for regular transfers and no regular orders of transfers were issued pursuant to any other meeting of C.S.B. Considering this factual position, the Respondents to show exceptional circumstances and special reasons to make out a case under Section 4(4) of the ROT Act 2005.

6. The short issue involved in this matter is whether the Government has followed the G.R. dated 09.04.2018 as the Applicant is Group B officer. On query as to why the applicant approached so late i.e. nearly after 2½ months learned Counsel Mr. Choudhary has stated that he made representation to the Government which was through the Dean dated 01.07.2023. Prima facie, though the applicant has made representation dated 01.07.2023, he could have approached the Tribunal earlier. However, no reply is given by the State to that representation and moreover, prima facie, it appears that the Respondents have not followed the procedure laid down in G.R. dated 09.04.2018. Hence, Interim relief is granted. It appears on oral instructions received from the officers who are present that the Respondent-State was aware of the issue. Interim stay is granted till filing of the affidavit. Applicant is allowed to continue to work at Aurangabad.

7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
8. Issue notice before admission returnable on 27.09.2023.
9. 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 O.A. Private service is allowed. Respondents are put to notice that the case may 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.
12. Adjourned to 27.09.2023.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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13.09.2023

M.A.1722/2022 in O.A.No.759/2021
(A'bad) (D.B)

(Through Video Conferencing)

Anand V. Bade ... Applicant
Vs.
The State of Mah. & Ors. ... Respondents

1. Heard Shri A.V. Thombre, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Pursuant to Advertisement dated 03.01.2019 for filling the posts of Krushi Sevak in the jurisdiction of Respondent No.3, eligible candidates were called for filling 169 posts. The Applicant had applied for the said post from Open Sports Category and his name was shown at Serial No.3 in the waiting list published by Respondent Authorities. The appointment orders are not issued in favour of Applicant and therefore he approached this Tribunal seeking direction to the Respondent Authorities to issue appointment order in favour of him. Learned counsel submitted that the issue is pertaining to the extension given to the wait list after one year considering the order of the Hon'ble Supreme Court dated 10.1.2022 in M.A No. 21 OF 2022 in M.A 665/2021 in Suo Moto W.P (C) No. 3/2020, due to Covid 19 Pandemic.

3. Learned P.O has submitted that the period of wait list has expired after one year and therefore the applicant who is wait listed cannot be considered.

4. Considered the submissions. The applicant as on today stands at Sr. No. 1 in the waiting list. Further, the two candidates above the applicant do not want to join the post. It is to be noted that the case of the applicant is covered by the judgment of the Hon'ble Bombay High Court dated 28.12.2022, in Ashwini G. Waghmare Vs. The State of Maharashtra & Ors, W.P 12844/2019 and also the ratio laid down in the judgment dated 30.11.2021, in Bhanudas B. Nimgire Vs. State of Maharashtra & Ors, which was relied in O.A 312/2022 with O.A 577/2022 dated 21.10.2022, R.N More & Ors Vs. The State of Maharashtra & Ors.

3. In the light of said order, O.A. is allowed with following order:

(a) One post is to be withdrawn from the Open Sports Category from the Advertisement dated 11.08.2023 in respect of one Applicant and the name of the Applicant is to be considered for the said post within a period of four weeks.

(b) Respondents to take steps, complete the formalities and do needful in accordance with rules.

Sd/-

Sd/-

(Medha Gadgil)
Member-A

(Mridula Bhatkar, J.)
Chairperson

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.09.2023</p> <p>O.A. No.1057 of 2023 with O.A. No.1058 of 2023</p> <p>P.B. Dubal Dr. A.A. PawaraApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K. & Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that the period spent by the Applicants under the 'Temporary Arrangement' working as L.D.O's. in the establishment of C.E.O., Aarey Milk Colony should not be counted towards their 'Normal Tenure' of three years as L.D.O.'s in 'Original Post' in Abattoir Devnar, Mumbai'.</p> <p>3. Learned P.O. produces copy of 'Government Order' of the Animal Husbandry Dairy Development Department & Fisheries Department dated 11.09.2023 by which the Applicants have now been relieved under the 'Temporary Arrangement' by which their services were attached in the establishment of C.E.O., Aarey Milk Colony and permitted them to join back on their 'Original Post' of L.D.O's., in Abattoir Devnar, Mumbai. C.E.O., Aarey Milk Colony is accordingly directed to relieve the Applicants forthwith so as to join back on their 'Original Posts' of L.D.O.'s, in Abattoir Devnar, Mumbai.</p> <p>4. O.A. is therefore disposed off with 'No Order as to Costs'.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.09.2023</p> <p align="center">O.A. No.1170 of 2023</p> <p>Dr. R.M. RavalApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that the Tribunal has earlier in (i) O.A. No.1102/2023 & 1082/2023 granted 'Interim Relief' to the Applicant working on post of Associate Professor, Pediatrics, Government Medical College & Hospital, Solapur on transfer to Government Medical College & Hospital, Nanded (ii) O.A. No.1082/2023 to the Applicant working on the post of Associate Professor in Physiology, B. J. Govt. Medical College, Pune on transfer to Government Medical College, Gondia and (iii) O.A. No.1113 to the Applicant working on the post of Associate Professor Anatomy, B.J. Government Medical College on transfer to Vasantrya Naik, Government Medical College, Yavatmal. In this O.A. No.1170/2023 the Applicant is working on the post of Associate Professor (Obstetrics and Gynecology), Government Medical College, Miraj and has been transferred to the post of Associate Professor (Obstetrics and Gynecology) Government Medical College, Baramati.</p> <p>3. The impugned Transfer Order dated 30.06.2023 is that of 'General Transfer' which has to be done once a year in the months of April and May as per provisions of Sections 4(4) of Transfer Act, 2005. However, on the contrary as the impugned Transfer Order is dated 30.06.2023 it is to be deemed as not under 'General Transfer' but 'Mid-Term Transfer' which does not record any 'Exceptional Circumstances' or 'Special Reasons' making it justifiable under the provision of Section 4(4)(1) and 4(5) of Transfer Act, 2005. Therefore, <i>prima-facie</i> impugned 'Transfer Order' are not in consonance with the aforesaid provisions of Transfer Act, 2005.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. Learned P.O. opposed the grant of 'Interim Relief' to the Applicant.</p> <p>5. The provision of Section 4(4)(1) and Section 4(5) provisions of the Transfer Act, 2005 are applicable to the 'Transfer Order' of the Applicant having been issued on 30.06.2023. Further, the Applicant is still undergoing treatment for 'Brain Stroke' which he had suffered in April 2016. Therefore, 'Interim Relief' is granted to the Applicant and impugned 'Transfer Order' dated 30.06.2023 is stayed. The Applicant to continue to work on any existing post of Assistant Professor (Obstetrics and Gynecology) in Government Medical College, Miraj.</p> <p>6. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>7. Issue notice before admission returnable on 04.10.2023.</p> <p>8. 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 O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>10. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>11. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>12. Learned Advocate for the Applicant states that this matter be tagged along with O.A. No.1102/2023 & O.A. No.1082/2023 on 04.10.2023.</p> <p>13. S.O. to 04.10.2023.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.09.2023</p> <p>O.A. No.263 of 2023 with O.A. No.325 of 2023 with O.A. No.567 of 2023 with O.A. No.568 of 2023 with O.A. No.572 of 2023 with O.A. No.609 of 2023 with O.A. No.912 of 2023 with O.A. No.913 of 2023 with O.A. No.920 of 2023 with O.A. No.289 of 2023 with O.A. No.477 of 2023 with O.A. No.541 of 2023 with O.A. No.595 of 2023 with O.A. No.878 of 2023 with O.A. No.831 of 2023 with O.A. No.848 of 2023 with O.A. No.859 of 2023 with O.A. No.1099 of 2023 with O.A. No.26 of 2022 with M.A. No.201 of 2022 with O.A. No.428 of 2023 with O.A. No.696 of 2023 with O.A. No.697 of 2023 with O.A. No.952 of 2023 with O.A. No.1096 of 2023 with O.A. No.07 of 2023 with O.A. No.15 of 2023 with O.A. No.105 of 2023 with O.A. No.106 of 2023 with O.A. No.129 of 2023 with O.A. No.145 of 2023 with O.A. No.165 of 2023 with O.A. No.172 of 2023 with O.A. No.181 of 2023 with O.A. No.182 of 2023 with O.A. No.191 of 2023 with O.A. No.194 of 2023 with O.A. No.207 of 2023 with O.A. No.215 of 2023 with O.A. No.265 of 2023 with O.A. No.312 of 2023 with O.A. No.326 of 2023</p> <p>M.D. Aher & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.S. Dere, Shri A.V. Bandiwadekar & Shri Om M. Lonkar, learned Advocates for the Applicants and Smt. K.S. Gaikwad, Smt. Archana B.K. & Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. states that as per information received today from the 'Sr. Officer' in the rank of 'D.C.P.' that the Office of 'Commissioner of Police, Mumbai' is now undertaking detailed review of the large pendency of cases relating to 'Inter District Transfer' of 'Police Constables'.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>3. Learned P.O. further states that the office of the 'Commissioner of Police, Mumbai' on completion of review will submit information about the positive steps they are willing to take to reduce the large pendency of cases relating to 'inter District Transfer' of 'Police Constables'.</p> <p>4. Learned P.O. accordingly requested for some time to be granted to the office of the 'Commissioner of Police, Mumbai' to complete the ^{exercise} and sought time till 21.09.2023.</p> <p>5. S.O. to 21.09.2023 for 'Final Hearing'.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p>NMN</p>

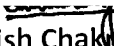
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 13.09.2023</p> <p align="center">O.A. No.822 of 2023</p> <p>S.G. TajiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that based on instruction from the Desk Officer, in the office of Principal Secretary, Higher and Technical Education; the Respondent No.1 the 'Competent Authority' has taken decision to modify the earlier Transfer Order of Applicant to the post him as HOD; Mechanical Engineering Government Polytechnic, Dhule and favorably considered his request for posting him back at Government Polytechnic, Mumbai.</p> <p>3. Learned P.O. seeks short time to produce the order of posting of Applicant back at Government Polytechnic, Mumbai and the O.A. is adjourned to 15.09.2023.</p> <p align="right">Sd/-  (Debashish Chakrabarty) Member (A)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders 13.09.2023
	<p><u>O.A 618/2023 (Aurangabad)</u> <u>Video Conference</u></p> <p>Kishor A Salunke ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.B Jadhav, learned counsel for the applicant and Ms Patni, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that Civil Services Board of three Members is constituted and the case of the applicant is put before the Committee and the Committee will take decision in the matter. Learned P.O seeks time.</p> <p>3. In view of the above, matter is fixed on 27.9.2023. In the meanwhile it is expected that the Civil Services Board will take decision.</p> <p>4. S.O to 27.9.2023.</p> <p style="text-align: right;">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>13.09.2023</u></p> <p style="text-align: center;"><u>O.A 111/2013 (Aurangabad Bench)</u></p> <p style="text-align: center;"><u>Video Conference</u></p> <p>G.M. Shikare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S Haikude, holding for Shri V.S Panpatte, learned advocate for the applicant, Shri V.R Bhumkar, learned P.O for the Respondents and Shri Omprakash Waghmare holding for Shri G.J Kore, learned counsel for Respondent No. 3.</p> <p>2. The matter pertains to the recruitment process initiated by advertisement dated 6.1.2013 for filling up the post of Talathi and Clerks. The applicant filled up application form in OBC category for the post of Talathi. The written examination was conducted on 27.1.2013. The applicant was successful and he secured 164 marks. The merit list was published on 8.2.2013 and the name of the applicant was shown at Sr. No. 2 and the name of Respondent no. 3 who is contesting Respondents is shown at Sr. No. 1 in the OBC category. It is the case of the applicant that Respondent No. 3 has applied from OBC category in vertical reservation, however in the category of horizontal reservation under PAP category. The name of Respondent no. 4 is shown in the PAP, OBC category. It is the contention of the applicant that on account of selection and placement of Respondents no 3 & 4, injustice is caused to the applicant as his claim for OBC general category is denied on arbitrary and wrong grounds. It is therefore prayed that directions be issued to Respondent no. 2 that the applicant is to be given a proper placement at Sr. No. 1 in the place of Respondent no. 3 in OBC general category.</p> <p>3. S.O to 18.10.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: center;">Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p style="text-align: center;">Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p style="text-align: center;">Tribunal's orders 13.09.2023</p> <p style="text-align: center;"><u>O.A 830/2023 (Aurangabad Bench)</u> <u>Video Conference</u></p> <p>Dr Nita K Hatkar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.R Kulkarni, learned counsel for the applicant and Ms Patni, learned P.O for the Respondents.</p> <p>2. The applicant working as Associate Professor in Pediatrics in Bahusaheb Hire Medical College, Dhule and transferred Government Medical College, Nandurbar by order dated 13.7.2023.</p> <p>3. Learned counsel submits that the applicant is due for transfer. Learned counsel further submits that transfer is mid-tenure. Learned counsel relies on the order of this Tribunal dated 21.7.2023 in O.A Nos 884, 885 & 888/2023. Learned counsel pointed out that the applicant along with four other Associate Professors were transferred by common order dated 13.7.2023. On the ground of parity as this Tribunal has held that it is mid-term transfer without following the proper procedure the Respondents have issued the transfer order, therefore, the applicant prays that her transfer order be stayed.</p> <p>4. Learned P.O seeks time to take instructions in the matter.</p> <p>5. Only on the ground of parity, as it is a mid-term transfer and provisions under Section 4(4) of the ROT Act, 2005 are not properly followed, hence the interim relief is granted till the next date and the applicant be allowed to continue to work on the present post in Shri Bhausaheb Hire Government Medical College, Dhule.</p> <p>6. S.O to 10.10.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: right;">[P.T.O.]</p>
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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.09.2023</p> <p align="center">O.A. No.1171 of 2023</p> <p>Dr. S.R. GuravApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that the Tribunal has earlier in (i) O.A. No.1102/2023 & 1082/2023 granted 'Interim Relief' to the Applicant working on post of Associate Professor, Pediatrics, Government Medical College & Hospital, Solapur on transfer to Government Medical College & Hospital, Nanded (ii) O.A. No.1082/2023 to the Applicant working on the post of Associate Professor in Physiology, B. J. Govt. Medical College, Pune on transfer to Government Medical College, Gondia and (iii) O.A. No.1113 to the Applicant working on the post of Associate Professor Anatomy, B.J. Government Medical College on transfer to Vasantrya Naik, Government Medical College, Yavatmal. In this O.A. No.1171/2023 the Applicant is working on the post of Assistant Professor (Obstetrics and Gynecology) in B.J. Medical College, Pune and has been transferred to Assistant Professor (Obstetrics and Gynecology) Government Medical College, Miraj.</p> <p>3. The impugned Transfer Order dated 30.06.2023 is that of 'General Transfer' which has to be done once a year in the months of April and May as per provisions of Sections 4(4) of Transfer Act, 2005. However, on the contrary as the impugned Transfer Order is dated 30.06.2023 it is to be deemed as not under 'General Transfer' but 'Mid-Term Transfer' which does not record any 'Exceptional Circumstances' or 'Special Reasons' making it justifiable under the provision of Section 4(4)(1) and 4(5) of Transfer Act, 2005. Therefore, <i>prima-facie</i> impugned 'Transfer Order' are not in consonance with the aforesaid provisions of Transfer Act, 2005.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. Learned P.O. opposed the grant of 'Interim Relief' to the Applicant.</p> <p>5. The provision of Section 4(4)(1) and Section 4(5) provisions of the Transfer Act, 2005 are applicable to the 'Transfer Order' of the Applicant having been issued on 30.06.2023. Therefore, 'Interim Relief' is granted to the Applicant and impugned 'Transfer Order' dated 30.06.2023 is stayed. Further, the Applicant to continue to work on any existing post of Assistant Professor (Obstetrics and Gynecology) in B.J. Medical College, Pune which is vacant, given the fact that the Dr. Vaibhav Patil, Assistant Professor (Obstetrics and Gynecology), Respondent No.3 has already joined in place of the Applicant but soon thereafter proceeded on leave after submitting request letter for cancellation of his posting on the post of Assistant Professor (Obstetrics and Gynecology), B.J. Medical College, Pune.</p> <p>6. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>7. Issue notice before admission returnable on 04.10.2023.</p> <p>8. 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 O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>10. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>11. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>12. Learned Advocate for the Applicant states that this matter be tagged along with O.A. No.1102/2023 & O.A. No.1082/2023 on 04.10.2023.</p> <p>13. S.O. to 04.10.2023.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

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Original Application No. _____ of 20____

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.09.2023</p> <p align="center">O.A. No.1144 of 2023</p> <p>L.N. GondhaliApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that the Applicant was working on the post of 'Peon' in the office of 'Executive Engineer, P.W.D., Panvel.' Who is Respondent No.2. Thereafter, he came to be promoted to the rank of 'Naik' and was posted in the office of 'Executive Engineer, P.W.D., Mahad.' However, due to some personal reasons he has refused to accept the promotion on the post of 'Naik'</p> <p>3. Learned Advocate for the Applicant further stated that the Applicant has given four representations to 'Superintending Engineer, Raigad, P.W.D' who is Respondent No.1. However, no consideration has been given to his four representations to the post him back as 'Peon' in the office of 'Respondent No.2 – Executive Engineer, P.W.D., Panvel.'</p> <p>4. Learned P.O. to take instruction forthwith from the 'Superintending Engineer, Raigad, P.W.D' who is Respondent No.1 as to whether they are willing to consider the request of the Applicant to continue him on the post of 'Peon' in the office of 'Executive Engineer, P.W.D., Panvel'; on the post prior to the refusal of promotion of 'Naik'.</p> <p>5. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

6. Issue notice before admission returnable on 22.09.2023.
7. 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 O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.
8. 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.
9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
10. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.
11. S.O. to 22.09.2023.

Sd/-
(Debashish Chakrabarty)
Member (A)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.09.2023</p> <p>O.A.No.677/2022 (Aurangabad) (D.B.) (through video conferencing)</p> <p>A.K. Bhusane & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.G. Salunke, learned Counsel for the Applicant and Mr. M.S. Mahajan, learned Chief Presenting Officer for the Respondents.</p> <p>2. Not on board. Taken on board at the request of learned Advocate for the Applicant.</p> <p>3. Learned Advocate has submitted that the Applicant is going to retire on 31.10.2023 and he seeks promotion.</p> <p>4. Learned C.P.O. has submitted that he will obtain instructions.</p> <p>5. In view of above, adjourned to 20.09.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.09.2023</p> <p>O.A.No.624/2013 (Aurangabad) (D.B.) (through video conferencing)</p> <p>M.C. GhodeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. D.R. Patil, learned Presenting Officer for the Respondents.</p> <p>2. Mr. M.C. Ghode, learned Counsel for the Applicant is absent.</p> <p>3. In view that the matter is pending before the Hon'ble Supreme Court we directed the learned Counsel for the Applicant to bring status of the present matter which is pending before the Hon'ble Supreme Court.</p> <p>4. Adjourned to 20.09.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s


(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.09.2023</p> <p>O.A.No.250/2014 (Aurangabad) (D.B.) (through video conferencing)</p> <p>The Karyakari Adhikari SanghatnaApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Saket Joshi, holding for Mr. Avinash S. Deshmukh, learned Counsel for the Applicant and Mr. M.S. Mahajan, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Counsel Mr. Joshi states that learned Advocate Mr. Deshmukh is not available as he is before the Hon'ble High Court.</p> <p>3. Adjourned to 04.10.2023.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member (A)</p> <p style="text-align: right;">Sd/-  (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.09.2023</p> <p>O.A.No.694/2013 (Aurangabad) (D.B.) (through video conferencing)</p> <p>Bashir Khan Daulat Khan PatelApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Saket Joshi holding for Mr. Avinash S. Deshmukh, learned Counsel for the Applicant and Mr. B.S. Deokar, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel Mr. Joshi states that learned Advocate Mr. Deshmukh is not available as he is before the Hon'ble High Court.</p> <p>3. Adjourned to 04.10.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.09.2023</p> <p>O.A.No.694/2013 (Aurangabad) (D.B.) (through video conferencing)</p> <p>Bashir Khan Daulat Khan PatelApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Saket Joshi holding for Mr. Avinash S. Deshmukh, learned Counsel for the Applicant and Mr. Deokar, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel Mr. Joshi states that learned Advocate Mr. Deshmukh is not available as he is before the Hon'ble High Court.</p> <p>3. Adjourned to 04.10.2023.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>13.09.2023</u></p> <p><u>O.A 439/2013 (Aurangabad Bench)</u></p> <p><u>Video Conference</u></p> <p>S.G Chougule ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri A.V Thombre, holding for Shri R.D Khadap, learned advocate for the applicant and Ms M.S Patni, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant seeks time. Last chance is given to the learned counsel for the applicant and the matter will be heard finally on the next date.</p> <p>3. S.O to 20.9.2023.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>13.09.2023</u></p> <p><u>O.A 297/2013 (Aurangabad Bench)</u></p> <p><u>Video Conference</u></p> <p>P.B Joshi ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.R Kulkarni, learned advocate for the applicant and Shri M.P Gude, learned P.O for the Respondents.</p> <p>2. The applicant who was working as Canal Inspector and retired on the same post on 31.8.2013, prays for deemed date of promotion on the post of 'Daftar Karkoon'.</p> <p>3. Learned counsel for the applicant seeks adjournment on the ground that he wants to produce some documents.</p> <p>4. S.O to 27.9.2023.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>13.09.2023</u></p> <p><u>O.A 633/2012 (Aurangabad Bench)</u></p> <p><u>Video Conference</u></p> <p>S.S Unawane & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. None present for the applicant. Heard Shri S.K Shirke, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the interim order is pending before the Hon'ble Supreme Court.</p> <p>3. In view of the above, matter adjourned to 25.10.2023.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>13.09.2023</u></p> <p align="center"><u>O.A 111/2021 (Aurangabad Bench)</u></p> <p align="center"><u>Video Conference</u></p> <p>G.M. Shikare ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S Haikude, holding for Shri V.S Panpatte, learned advocate for the applicant, Shri V.R Bhumkar, learned P.O for the Respondents and Shri Omprakash Waghmare holding for Shri G.J Kore, learned counsel for Respondent No. 3.</p> <p>2. The matter pertains to the recruitment process initiated by advertisement dated 6.1.2013 for filling up the post of Talathi and Clerks. The applicant filled up application form in OBC category for the post of Talathi. The written examination was conducted on 27.1.2013. The applicant was successful and he secured 164 marks. The merit list was published on 8.2.2013 and the name of the applicant was shown at Sr. No. 2 and the name of Respondent no. 3 who is contesting Respondents is shown at Sr. No. 1 in the OBC category. It is the case of the applicant that Respondent No. 3 has applied from OBC category in vertical reservation, however in the category of horizontal reservation under PAP category. The name of Respondent no. 4 is shown in the PAP, OBC category. It is the contention of the applicant that on account of selection and placement of Respondents no 3 & 4, injustice is caused to the applicant as his claim for OBC general category is denied on arbitrary and wrong grounds. It is therefore prayed that directions be issued to Respondent no. 2 that the applicant is to be given a proper placement at Sr. No. 1 in the place of Respondent no. 3 in OBC general category.</p> <p>3. S.O to 18.10.2023.</p> <p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A)</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.09.2023</p> <p>O.A.No.575/2014 (Aurangabad) (D.B.) (through video conferencing)</p> <p>D.B. PatilApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. A.D. Gadekar, learned Counsel for the Applicant and Mr. N.U. Yadav, learned Presenting Officer for the Respondents.</p> <p>2. Applicant, Jail Guard seeks directions to the Respondent to adopt the criteria for selection to the post of Jail Officer, Grade II, which is applied for the selection to the post of Police Sub Inspector by M.P.S.C. to issue the promotion order and the case of the Applicant be considered for promotion to the post of Jail Officer, Grade 2.</p> <p>3. Learned Counsel has submitted that the Applicant is BSc and BEd. He is in the service of Police Department since July 2007 as Jail Guard and was serving at District Prison Latur. On 06.08.2023, Respondent No.2, Additional D.G. (Police) and I.G. Prison issued circular that the post of Jail Officer, Grade 2 (non-gazetted) is going to be filled-up by promotion from in service Government servants. Today 30 such posts were shown vacant and in the circular certain conditions for eligibility were mentioned. Learned Counsel has submitted that the persons</p> <ul style="list-style-type: none"> (i) who have experience of 10 years working on the post of Jail Guard which is Feeder cadre, (ii) HSC pass with English subject, (iii) if the reservation claimed then the candidates who have caste validity certificate, (iv) candidates possess MS-CIT certificate (v) physically fit and (vi) candidates should have submitted their application forms on or before 31.08.2013.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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4. Learned Counsel has submitted that as per this circular he filled up application on 20.08.2013 and has fulfilled all the conditions. Learned Counsel further pointed out that representation dated 09.11.2013 made to the office of Respondent wherein he has mentioned that for calculation of marks considering the written examination and physical test for this post, the method adopted is not correct. The candidate should not be declared as 'not eligible' only on the basis of physical test, the marks obtained in the written examination are also to be taken into account.

5. Learned P.O. has submitted that the Applicant has not cleared MS-CIT examination. As per G.R. dated 20.07.2002 the candidate must possess MS-CIT certificate. Learned P.O. has submitted that the letters dated 09.11.2013 and 19.09.2013 were replied by the letter dated 16.12.2013 by the office of Respondent No.2. In the said letter he was informed that he need to possess the MS-CIT certificate which is binding as per G.R. dated 20.07.2002. Learned P.O. has submitted that he was not holding MS-CIT certificate. Learned P.O. has submitted that he could not reach upto the mark in long jump and therefore his candidature was rejected.

6. Adjourned to 20.09.2023.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A. No.1146 of 2023

S.K. Karjol

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

3. Issue notice before admission returnable on 4.10.2023. The respondents are directed to file reply.

4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption "**For Dismissal**" and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-

(Medha Gadgil)

Member (A)

13.9.2023

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>M.A. No.582 of 2023 in O.A. No.1168 of 2023</u></p> <p>U.P. Patil & Anr. ..Applicants' Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Utkarsh Desai holding for Shri P.S. Bhavake, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <p style="text-align: right;">Sd/- (Medha Gadgil) Member (A) 13.9.2023</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A. No.1160 of 2023

B.B. Shinde ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

3. Issue notice before admission returnable on 5.10.2023. The respondents are directed to file reply.

4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption "**For Dismissal**" and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-

(Medha Gadgil)
Member (A)
13.9.2023

(sgj)

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A. No.1168 of 2023

U.P. Patil & Anr. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Utkarsh Desai holding for Shri P.S. Bhavake, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
3. Issue notice before admission returnable on 11.10.2023. The respondents are directed to file reply.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. In case notice is not collected within **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption "**For Dismissal**" and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-

(Medha Gadgil)
Member (A)
13.9.2023

(sgj)

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A. No.1172 of 2023

S.S. Kumbhar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad., learned Presenting Officer for the Respondents.

2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

3. Issue notice before admission returnable on 27.9.2023. The respondents are directed to file reply.

4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **seven days** or service report on affidavit is not filed **three days** before returnable date, the OA shall be placed on board before the concerned Bench under the caption "**For Dismissal**" and thereafter on the subsequent date the OA shall stand dismissed.

Sd/-

(Medha Gadgil)
Member (A)

13.9.2023

(sgj)

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A.1147/2023

**A.R. Jadhavar
Vs.**

... Applicant

The State of Mah. & Ors.

... Respondents

1. Heard Shri A. Gaikwad, learned Advocate for the Applicant and Smt. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Issue notice returnable on 26.09.2023.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "**for Dismissal**" and thereafter on the subsequent date the O.A. shall stand dismissed.
7. 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 within one week. Applicant is directed to file Affidavit of compliance and notice.
8. S.O. to 26th September, 2023.

Sd/-

(Debashish Chakrabarty)
Member-A
13.09.2023

Sd/-

(Mridula Bhatkar, J.)
Chairperson
13.09.2023

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>O.A.1063/2023</u>
	Dr. B.T. Karvekar ... Applicant Vs. The State of Mah. & Ors. ... Respondents
	<p>1. Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the Applicant wants the Tribunal to pass the order that Additional Chief Secretary, Public Health Department be directed to pursue the matter before His Excellency the Governor to decide the appeal.</p> <p>3. We are of the view that such orders cannot be passed by us and that is the only prayer in the O.A. The O.A. therefore stands disposed of accordingly.</p>
	<p>Sd/- Sd/-</p> <p>(Debashish Chakrabarty) (Mridula Bhatkar, J.) Member-A Chairperson 13.09.2023 13.09.2023</p>
(skw)	

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.1040/2023</u></p> <p>M.V. Tambe & Anr. ... Applicants Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Heard Shri N.R. Bhumkar, learned Advocate for the Applicant and Smt. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The matter is fixed in urgent admission caption to 15.09.2023 at 2.30 p.m.</p> <p style="text-align: center;">Sd/- (Debashish Chakrabarty) Member-A 13.09.2023</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson 13.09.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>O.A. No.734 of 2023</u>
	D.M. Bhoir & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents'
	<p>Heard Shri Kailash Jadhav holding for Shri R.G. Panchal, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. All the applicants who are working as Forest Labourers in the Forest Department since last more than 5 years on daily wages have applied for the post of Forest Guard pursuant to advertisement dated 8.6.2023. As per GR dated 16.10.2012, 10% posts are reserved for the daily wages Forest Labourers in the cadre of Forest Guard. The applicants are still working as Forest Labourers as the protection is granted by the Hon'ble Bombay High Court by order dated 9.9.2020 in W.P. No.16080 of 2022. Ld. Advocate for the applicant pointed out para 9 of the order dated 11.7.2023 passed by this Tribunal in the above OA. the respondent no.3 was directed to verify the period of work and also the certificates are to be issued if they fulfill the requisite eligibility criteria of 240 days per year for 5 years.</p> <p>3. Ld. PO submits that before this order dated 11.7.2023, the respondents have completed this exercise as ordered by this Tribunal and by order dated 30.6.2023, 15 persons including 5 applicants in present OA were found ineligible and that is communicated to them.</p> <p>4. Ld. PO relies on GR dated 16.10.2012 and she submits that 10% reservation is provided to Forest Labourers for promotional post of Forest Guard who have worked as Forest Labourers during the period from 1.11.1994 and 30.6.2004 in all 240 days per year for 5 years. As these applicants have worked after 30.6.2004 they are not covered under this GR.</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

5. In view of the GR dated 16.10.2012 and affidavit in reply dated 21.7.2023 filed by Amol Pandurang Thorat, Assistant Conservator of Forest, Bhimshankar Wildlife Sanctuary, Manchar, we would like to know the answers to the following queries:

(1) How many times recruitment process were undertaken for filling up the post of Forest Guard after 2012 year wise before 8.6.2023 and the number of Forest Labourers selected against the posts of 10% reservation?

(2) The number of Forest Labourers appointed against reservation of 10% posts after 2012 up to the last completed process of recruitment of Forest Guard before 8.6.2023 and out of those appointed, how many fulfill the criteria of 240 days and 5 years and having worked during 1.11.1994 and 30.6.2004 and those who worked as Forest Labourers ~~after 30.6.2004~~ after the cut-off date of 30.6.2004?

(3) In this process whether the daily wages Forest Labourers who have completed 240 days for 5 years and appointed after 30.6.2004 are to be given the benefit of 10% reservation while recruiting them to the post of Forest Guard as per advertisement dated 8.6.2023?

6. S.O. to 14.9.2023 at 10.00 a.m.

Sd/-

Sd/-

(Debashish Chakrabarty) (Mridula Bhatkar, J.)

Member (A)

Chairperson

13.9.2023

13.9.2023

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 13.09.2023</p> <p align="center">O.A. No.1035 of 2023</p> <p>J.P. DholeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. states that Affidavit-in-Reply on behalf of the Respondent will be filed during the course of the Day. Statement is accepted. It be taken on record.</p> <p>3. Learned Advocate for the Applicant states that matter may be kept for 'Final Hearing' with liberty to file Rejoinder, if any.</p> <p>4. S.O. to 27.09.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="787 741 1015 777">Date: 13.09.2023</p> <p data-bbox="831 819 1474 855">O.A. No.1102 of 2023 with O.A. No.1082 of 2023</p> <p data-bbox="787 896 1481 1051">Dr. S.T. Bandichhode Dr. S.V. DeshpandeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol data-bbox="787 1133 1518 1661" style="list-style-type: none">1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.2. Learned P.O. seeks Three Weeks time to file Affidavit-in-Reply on behalf of the Respondent.3. Time as prayed is granted.4. Interim relief to continue till next date.5. S.O. to 04.10.2023. <p data-bbox="1156 1731 1485 1875" style="text-align: right;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p data-bbox="776 1944 824 1970">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>13.09.2023</p> <p><u>O.A 803/2021</u></p> <p>Mitali D. Walunj & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri M.M Deshmukh, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents. 2. Matter is not on Board today. Matter is taken on Board at the request of the learned counsel for the applicant. 3. Learned counsel for the applicant has filed application and stated that 10 applicants out of 41 applicants do not want to prosecute the Original Application and hence be allowed to withdraw the names of 10 applicants from the array of the Original Application. 4. Permission granted to amend the Original Application by withdrawing the names of 10 applicants from the array of the Original Application and copy to be served on the other side. 5. S.O to 12.10.2023. <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>13.09.2023</u></p> <p><u>O.A 633/2012 (Aurangabad Bench)</u></p> <p><u>Video Conference</u></p> <p>S.S Unawane & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. None present for the applicant. Heard Shri S.K Shirke, learned P.O for the Respondents.</p> <p>2. Learned P.O submits that the interim order is pending before the Hon'ble Supreme Court.</p> <p>3. In view of the above, matter adjourned to 25.10.2023.</p> <p>Sd/- _____ (Medha Gadgil) Member (A)</p> <p>Akn</p> <p>Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p>

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	<p align="center"><u>13.09.2023</u></p> <p align="center"><u>O.A 491/2013 (Aurangabad Bench)</u></p> <p align="center"><u>Video Conference</u></p> <p>Devidas Tarachand Patil, ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.D Joshi, learned advocate for the applicant and Ms M.S Patni, learned P.O for the Respondents.</p> <p>2. In the course of hearing of the matter, we came across that though the office of the Accountant General has sent communication and the amount which is recoverable i.e., Rs. 2,12,523/- out of the penalty amount and the recovery is going on since 1996 for the incidence of the year 1995, yet the Treasury Office and the Department have not worked out the pensionary benefits due to the applicant. On the contrary, we are informed by the learned counsel for the applicant that the applicant was receiving provisional pension till October, 2022 upto Rs. 15124/- and the said provisional pension is now stopped. He further submitted that the applicant is now 86 years old and he has not received any pension from November, 2022 till today.</p> <p>3. Hence, we direct Mr Mohan Wagh, Divisional Joint Director, Agriculture, Nasik Region, Nasik to take immediate steps and accordingly inform the Tribunal about as to what steps they have taken to release all the pensionary dues to the applicant, as the matter is placed tomorrow at 1.00 pm.</p> <p>4. S.O to 14.9.2023 at 1.00 pm.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p><u>13.09.2023</u></p> <p><u>O.A 586 & 736/2012 (Aurangabad Bench)</u></p> <p><u>Video Conference</u></p> <p>B.M Bhosale D.R Jadhav ... Applicants</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Kalpalata Patil Bharaswadkar holding for Shri Sudhir Patil, learned advocate for the applicants and Shri M.S Mahajan, learned C.P.O and Shri I.S Thorat, learned P.O for the Respondents in respective O.As.</p> <p>2. Learned counsel for the applicants seeks time.</p> <p>3. S.O to 11.10.2023.</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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	<p style="text-align: center;"><u>13.09.2023</u></p> <p style="text-align: center;"><u>O.A 734/2023</u></p> <p><u>Later on:-</u></p> <p>D.M Bhoir & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. When the matter is fixed tomorrow at 10.00 am, learned counsel for the applicants has expressed apprehension that the results will be declared any time.</p> <p>2. Now the learned P.O submits that the Department has sent Whatsapp message giving the schedule of the time table, wherein it is mentioned that in the first week of October, 2023 the objection on Answer Key will be considered and the on-line results will be declared in the second week of November, 2023. The said copy is taken on record and marked as Exh-I.</p> <p>3. Learned P.O submits that in view of this time table, she seeks one weeks' time. Time granted.</p> <p>4. Learned P.O is directed to inform the learned counsel for the applicants about the same.</p> <p>5. S.O to 21.9.2023. H.O.B.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Debashish Chakrabarty) Member (A)</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: center;">Akn</p>

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	<p style="text-align: center;"><u>13.09.2023</u></p> <p style="text-align: center;"><u>M.A 575/2023 in O.A 290/2023 with M.A 576/2023 in O.A 787/2019(Aurangabad)</u></p> <p style="text-align: center;"><u>Video Conference</u></p> <p>Aashif K. Parsuwale Laxman P. Huse ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Sandeep N. Lute, learned counsel for the applicants and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. The present Misc Applications are filed under Section 25 of the Administrative Tribunals Act, 1985 to transfer the said Original Applications pending before the M.A.T, Aurangabad bench to the M.A.T, Mumbai.</p> <p>3. Learned counsel for the applicants submit that these Original Applications are filed at M.A.T, Aurangabad bench. However, on account of non-availability of Division Bench, the matters be transferred to the Mumbai Bench and heard finally.</p> <p>4. Learned P.O submits to the orders of the Court.</p> <p>5. Both the Misc Applications are allowed and the Original Applications are transferred from M.A.T, Aurangabad Bench to M.A.T Mumbai Bench. The Registrar, M.A.T, Mumbai and Aurangabad to take necessary steps.</p> <p>6. Both the Original Applications No 290/2022 & 787/2019 be placed on Board on 26.9.2023.</p> <p style="text-align: right;">Sd/- _____ (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.09.2023</p> <p>O.A. No.909 of 2023</p> <p>S.S. SagwekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none">1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents and Smt. Punam Mahajan, learned Advocate for the Respondent No.2.2. Learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1. It is taken on record.3. Learned Advocate for the Respondent No.2 seeks one week time to file Affidavit-in-Reply on behalf of the Respondent No.24. Time as prayed is granted.5. S.O. to 20.09.2023. <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.09.2023</p> <p align="center">O.A. No.784 of 2023</p> <p>R.T. ShindeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents. Shri H. Bali, learned Advocate for the Respondent No.2 is absent.</p> <p>2. On request of learned Advocate for the Applicant four weeks time is granted to file 'Affidavit-in-Rejoinder' on behalf of the Applicant.</p> <p>3. S.O. to 11.10.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 13.09.2023</p> <p align="center">O.A. No.764 of 2023</p> <p>G.N. BadadareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. On request of learned P.O. two weeks time is granted to file 'Affidavit-in-Reply' on behalf of the Respondent. 3. Interim Relief to continue till next date. 4. S.O. to 11.10.2023. <p align="right">Sd/- (Debashish Chakrabarty) Member (A)</p> <p align="center">NMN</p>

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	<p>Date : 13.09.2023</p> <p>O.A.No.624/2013 (Aurangabad) (D.B.) (through video conferencing)</p> <p>M.C. GhodeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. M.S. Mahajan, learned Chief Presenting Officer for the Respondents.</p> <p>2. Mr. M.C. Ghode, learned Counsel for the Applicant is absent.</p> <p>3. In view that the matter is pending before the Hon'ble Supreme Court we directed the learned Counsel for the Applicant to bring status of the present matter which is pending before the Hon'ble Supreme Court.</p> <p>4. Adjourned to 20.09.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____ DISTRICT
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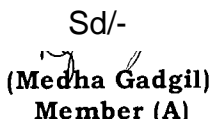
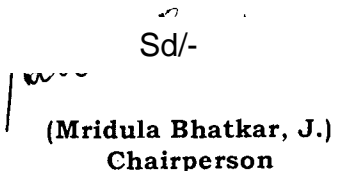
(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.09.2023</p> <p>O.A.No.1163/2017 with O.A.No.1164/2017 with O.A.No.1165/2017</p> <p>S.Y. Rambade & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Ashok B. Tajane i/b. Mr. K.P. Shinde, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. O.A. though adjourned to 21.09.2023 is taken up at the request of learned Advocate Mr. Tajane.</p> <p>3. Adjourned to 21.09.2023. HOB.</p> <p align="center">  (Medha Gadgil) Member (A) </p> <p align="center">  (Mridula Bhatkar, J.) Chairperson </p> <p>prk</p>

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..... Applicant/s

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versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Date: 13.09.2023 Tribunal's orders

O.A. No.1056 of 2023

N.P. Tummevar

.....Applicant

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri D.B. Khaire, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant stated that the 'Transfer Order' issued on 15.06.2023 is 'Mid-Term' as per provisions 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Transfer Act 2005' for brevity) although G.A.D. had extended time for 'General Transfer' beyond April and May upto 30.06.2023. The transfer is therefore Mid-Term under provisions of Section 4(5) of Transfer Act, 2005.

3. Learned Advocate for the Applicant further stated that the 'Deputy Director, Land Records, Konkan Pradesh, Mumbai' has been designated as 'Head of the Department' only for 'General Transfer' of Group 'C' within the 'Revenue Division' as per Revenue and Forest Department, Notification dated 03.03.2020. Therefore in the case of Applicant, the 'Transfer Order' issued on 15.06.2023 being 'Mid-Term' under provisions of Section 4(5) of Transfer Act, 2005, the prior approval of 'Next Higher Authority' was required to be taken by the 'Deputy Director of Land Records, Konkan Region, Mumbai and being 'Head of Department' under Section 6 such prior approval was to be taken from the 'Minster-In-Charge' of the Land Records, Department and not 'Settlement Commissioner and Director of Land Records, Pune'. Further, the Learned Advocate for Applicant also stated that 'C.S.B.' in this case has been

[P.T.O.]

Office Notes, Office Memoranda of Coram,
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Tribunal's orders

held at the level of both the (i) Settlement Commissioner and Director of Land Records, Pune and (ii) 'Deputy Director, Land Records, Konkan Region, Mumbai.' Thereafter by letter of 09.06.2023 directions were given by the 'Settlement Commissioner and Director of Land Records, Pune' to the Deputy Director, Land & Records, Konkan Region, Mumbai to issue the 'Transfer Orders'. The 'Deputy Director Land Records, Konkan Region, Mumbai' is designated as 'Head of Department' for 'General Transfers' within Revenue Division. In this capacity as 'Head of Department' the meeting of 'C.S.B.' could be convened by 'Deputy Director Land Records, Konkan Region, Mumbai' but as the case of Applicant was of 'Mid-Term' transfer, he should have obtained prior approval from Next Higher Authority i.e. 'Minster-In-Charge' of Land Records Department as per 'Section 6' of the Transfer Act 2005. Further, there appears to be lack of coherence in reading of the Revenue and Forest Department Notification dated 03.03.2020 as it does not mention as to who is 'Head of Department' for 'General Transfer' of Group 'C' outside of 'Revenue Division.' Thus 'Interim Relief' is granted as per 'Para 11 (a)' of the O.A. No.1056/2023 till be the Next Date. Applicant to be reinstated on the post of Headquarter Assistant, In office of 'Deputy Superintendent of Land Records, Bhiwandi' which has not been filled up by Deputy Director, Land Records, Konkan Division.

4. The prior approval of the 'Next Higher Authority' who under Section 6 of the 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' has not been taken by the 'Deputy Director of Land and Records, Konkan Division' was as mandatory being 'Head of Department' as per Revenue & Forest Department Notification dated 03.03.2020.

5. Learned P.O. to take further instructions whether the Deputy Director, Land Records, Konkan Division, Mumbai whether he is willing to consider the request of the Applicant for transferring on him to any other 'Vacant Post' at Kalyan or Wada of Thane District.

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	<p>6. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>7. Issue notice before admission returnable on 04.10.2023.</p> <p>8. 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 O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>10. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>11. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>12. S.O. to 04.10.2023.</p> <p style="text-align: right;">Sd/- (<u>Debashish Chakrabarty</u>) Member (A)</p>