

**ORIGINAL APPLICATION NO. 211 OF 2018**  
**(Shri Dilip K. Mankeshwar V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 16.06.2020.**

**ORAL ORDER :**

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1 & 3. Shri Shamsunder Patil, learned Advocate for respondent No. 2 (**Absent**).

2. Smt. Vaishali Makarand Deshpande (Kulkarni), Senior Clerk, Superintending Engineer, Jayakwadi Project Circle, Aurangabad is present today and submitted that the Advocate for the respondent No. 2 is not present today, as she was not able to contact him and therefore, she sought time.

3. Learned Presenting Officer has also seeks time to take instruction from the respondent No. 3.

4. Time as prayed for is granted.

5. S.O. to 23.06.2020.

**VICE CHAIRMAN**

KPB/ORAL ORDERS 16.06.2020

**ORIGINAL APPLICATION NO. 868 OF 2019**  
**(Dr. Suryakant R. Lonikar V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 16.06.2020.**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to produce original record regarding transfer of the applicant. Time granted.

3. S.O. to 07.07.2020.

**VICE CHAIRMAN**

KPB/ORAL ORDERS 16.06.2020

**ORIGINAL APPLICATION NO. 730 OF 2019**  
**(Shri Ejaz Alim Shaikh V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 16.06.2020.**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to produce original record regarding transfer of the applicant. Time granted.

3. S.O. to 07.07.2020.

**VICE CHAIRMAN**

KPB/ORAL ORDERS 16.06.2020

**ORIGINAL APPLICATION NO. 61 OF 2020**  
**(Shri Purushottam L. Deore V/s. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 16.06.2020.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has submitted that the applicant is claiming limited relief made in the prayer clause 16 (B) which is as follows :-

*“B) The Hon’ble Tribunal may be pleased to direct the sole respondent to place the matter of the present applicant before review committee as per the Government Resolution dated 14.10.2011 for taking the conscious decision in respect of continuation or revocation of suspension order and further direct the review committee to take the decision within the stipulated period and to communicate the decision to the present applicant and for that purpose necessary orders may kindly be passed.”*

3. Learned Advocate for the applicant has submitted that as the relief claimed by the applicant is limited, the necessary direction may be issued to the respondent to place the matter of the applicant before the review committee for taking decision in respect of

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O.A. No. 61/2020

continuation or revocation of his suspension and with that direction the present O.A. may be disposed of.

4. Learned Chief Presenting Officer has submitted that the respondents have not yet filed their affidavit in reply. However, considering the limited prayer sought by the applicant in the O.A., reasonable time may be given to the respondent to place the matter before the review committee. Therefore, he has prayed three months' time to place the matter of the applicant before the review committee and with that direction the O.A. may be disposed of.

5. In view of the submissions advanced by the learned Advocate for the applicant and learned Chief Presenting Officer, the O.A. is disposed of with a direction to the respondent to place the matter of the applicant before the review committee within a period of two months from the date of this order for taking conscious decision in respect of continuation or revocation of suspension order of the applicant on merit, as per the rules and communicate the decision therein to the applicant in writing to the applicant. There shall be no order as to costs.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 176/2020**

**(Ramchandra P. Kekan Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

**DATE : 16.06.2020**

**ORAL ORDER :**

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

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

3. Learned C.P.O. has submitted that he has no objection to allow the applicant to withdraw the O.A.

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

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 177/2020**

**(Diksha P. Chakke Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

**DATE : 16.06.2020**

**ORAL ORDER :**

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

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

3. Learned C.P.O. has submitted that he has no objection to allow the applicant to withdraw the O.A.

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

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 175/2020**

**(Rajiv H. Jamodkar Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

**DATE : 16.06.2020**

**ORAL ORDER :**

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

2. Issue notice to respondents, returnable on 22.7.2020.

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

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

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



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**O.A. NO. 175/2020**

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

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 22.7.2020.

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

**VICE CHAIRMAN**

**ORIGINAL APPLICATION ST. NO. 506/2020**

**(Rajendra G. Sonawane Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

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

**DATE : 16.06.2020**

**ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 23.7.2020.

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

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

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

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

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

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 23.7.2020.

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

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 74/2020**

**(Ganesh D. Pingale Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

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

**DATE : 16.06.2020**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has submitted that the applicant has approached this Tribunal and prayed to direct the respondents to decide his representation dtd. 29.7.2019 regarding treating his services as continuous and regular since the date of his appointment. He has submitted that since the applicant is seeking limited relief, it is necessary to direct the respondents to decide the representation of the applicant dtd. 29.7.2019 within the stipulated time and with that direction the present O.A. may be disposed of.

3. Learned Presenting Officer has submitted that the respondents have directed the applicant to produce the copies of necessary decisions and documents by the communication dtd. 9.8.2019 but the applicant

has not produced the same before the respondents. Therefore she prayed to direct the applicant to produce the required documents before the respondents so as to enable the respondents to decide his representation within the stipulated time. She has prayed to dispose of the O.A. with the said directions.

4. In view of the submissions made by the learned Advocate for the applicant and the learned Presenting Officer for the respondents the present O.A. is disposed of with a direction to the applicant to furnish the necessary documents on which he has relied before the respondent no. 2 within 15 days from today. The respondent no. 2 the Collector, Dhule is also directed to decide the representation of the applicant dtd. 29.7.2019 within 3 months from the date of receipt of necessary documents from the applicant and communicate the decision to the applicant in writing. There shall be no order as to costs.

**VICE CHAIRMAN**

**M.A. 454/2019 IN O.A. ST. 1892/2019**  
**(Dyaneshwar B. Sanap Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

**DATE : 16.06.2020**

**ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P Gude, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 24.7.2020 for hearing of M.A.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 16.06.2020

**ORIGINAL APPLICATION NO. 86/2019  
WITH  
ORIGINAL APPLICATION NO. 118/2019  
WITH  
ORIGINAL APPLICATION NO. 278/2019  
WITH  
ORIGINAL APPLICATION NO. 421/2019  
(Bhimrao S. Pawar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

**DATE : 16.06.2020**

**ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Advocate for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these matters.

2. Learned Advocate for the applicants has produced the copy of judgment of Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in writ petition No. 8033/2019 (The State of Maharashtra & Ors. Vs. Yamuna Laksyhmanrao Bhosale) along with other matters dtd. 26.5.2020. It is taken on record and marked as document 'X' for the purpose of identification and copy thereof has been supplied to learned Chief Presenting Officer for the respondents.

3. Learned Chief Presenting Officer has submitted that copy of the decision of Hon'ble High Court dtd. 26.5.2020 in writ petition no. 8033/2019 has been supplied to the concerned respondents. He has

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**O.A. NO. 86/2019 AND OTHERS**

submitted that he has not received instructions from the respondents. Therefore, he sought time to take instructions from the respondents regarding further progress in the matter. Time granted.

4. In the circumstances, S.O. to 14.7.2020 for taking instructions by the learned C.P.O. from the concerned respondents on the above line.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 16.06.2020



**ORIGINAL APPLICATION NO. 499/2019**

**(Madhukar B. Dhabe Vs. State of Maharashtra & Ors.)**

**CORAM : B.P. PATIL, VICE CHAIRMAN**

**DATE : 16.06.2020**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has submitted that the applicant has filed representation with a request to direct the respondents to consider his representation dtd. 27.5.2019 transferring him either at Hingoli, Parbhani or Nanded on Grpou – D post.

3. Respondent nos. 1 to 4 filed their affidavit in reply and contended in para 5 therein that the representation of the applicant has been decided on 27.11.2019 and rejected the same stating that there is no vacancy in the cadre of Peon in Hingoli, Parbhani and Nanded.

4. Learned Advocate for the applicant has submitted that since the representation of the applicant dtd. 27.5.2019 has been decided by the respondent, the present O.A. may be disposed of.

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**O.A. NO. 499/2019**

5. In the circumstances, in view of the communication made by the respondent no. 3 to the applicant dtd. 27.11.2019 the present O.A. is disposed of as nothing survives therein. There shall be no order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 16.06.2020

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

**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 16.06.2020**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has submitted that the applicant has been transferred to the Sub District Hospital, Hadgaon, Dist. Nanded from Sub District Hospital, Udgir, Dist. Latur by an order dtd. 19.7.2019 on his request. He has submitted that he has been relieved from his earlier posting i.e. Sub District Hospital, Udgir to join on the new posting at Hadgaon, Dist. Nanded, but there was no vacancy. Therefore, by the order issued by the Deputy Director of Health Services, Latur dtd. 24.7.2019 he has been temporarily posted at Rural Hospital, Naigaon and since then he is working there. He has submitted that the applicant has not completed his normal tenure of posting at Sub District Hospital, Hadgaon, Dist. Nanded. But the respondents have issued the modified posting order dtd. 11.6.2020 cancelling his earlier transfer order dtd. 19.7.2019 by which he had been transferred to Hadgaon, Dist. Nanded, and

reposted him at Udgir, Dist. Latur. He has submitted that the Deputy Director of Health Services, Latur had given him posting at Naigaon by the order dtd. 24.7.2019 and sent the proposal for approval for his regular posting at Naigaon, Dist. Nanded. The respondents has not considered his proposal and transferred him to Udgir. He has submitted that the post of Medical Officer Group – A at Hadgaon, Dist. Nanded is vacant and nobody is posted there. He has submitted that children of the applicant are taking education at Nanded and there is nobody to take care of them and therefore he has prayed to grant interim stay to the impugned modified posting order.

3. Learned P.O. has submitted that the applicant has been posted at Sub District Hospital, Hadgaon by the order dtd. 19.7.2019 on his request, but that time there was no vacancy at Sub District Hospital, Hadgaon. Therefore he has been temporarily posted at Naigaon and accordingly the Dy. Director of Health Services, Latur reported the matter to the Government. She has submitted that by the impugned modified posting order the respondents posted the applicant at Sub Dist. Hospital at Udgir and thereby his earlier transfer order transferring him at Hadgaon has been cancelled. She has submitted that the applicant has

**O.A. NO. 182 OF 2020**

been posted at Naigaon, Dist. Nanded temporarily and therefore he cannot be continued on the same post. She has submitted that the applicant has been posted at Udgir as there is need of Medical Officer, considering the COVID 19 situation. Therefore, she prayed to reject the prayer of the applicant to grant the interim relief.

4. On perusal of record it reveals that the applicant has been transferred in the year 2019 on his request by the order dtd. 19.7.2019 at Sub Dist. Hospital, Hadgaon, Dist. Nanded on the post of Medical Officer Group-A. He has been relieved accordingly. When he approached the Dy. Director of Health Services for joining the post at Hadgaon it was noticed that no post of Medical Officer Group – A was vacant in the Sub Dist. Hospital, Hadgaon. Therefore, in view of the directions given by the Government the applicant has been posted at Naigaon temporarily, as per the order of the Dy. Director. The res. No. 3 thereafter reported the matter to the Government. After considering the proposal of the Dy. Director the Government decided to cancel the earlier transfer order of the applicant at Sub Dist. Hospital, Hadgaon and also decided to repost him at Sub Dist. Hospital, Udgir and accordingly the impugned modified posting order has been issued.

The applicant has never been posted at Rural Hospital, Naigaon on the post of Medical Officer Group-A and therefore the applicant cannot claim his posting at Naigaon as of right. Since 2 Medical Officer have been appointed on the same post of Medical Officer Group-A at Sub Dist. Hospital, Hadgaon, the impugned order dtd. 19.7.2019 has been cancelled. Prima-facie I find no illegality in the impugned order. No just ground has been made out by the applicant to stay the impugned modified posting order. Hence, the request to grant interim relief is hereby rejected.

5. Issue notices to the respondents, returnable on 21.07.2020.

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

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

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**O.A. NO. 182 OF 2020**

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

10. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

11. S.O. to 21.07.2020.

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

**VICE CHAIRMAN**

ORAL ORDERS 16.06.2020-HDD

**ORIGINAL APPLICATION NO. 181 OF 2020**  
**(Shri Rajesh H. Gaikwad Vs. State of Maharashtra & Ors.)**

**CORAM : B. P. PATIL, VICE CHAIRMAN**

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

**DATE : 16.06.2020**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has submitted that the applicant has produced Non-Creamy-Layer Certificate, a copy of which is placed on record at Annexure 'A-2', page-19, as notified in the advertisement dated 28.02.2019, a copy of which is placed on record at Annexure 'A-3', page-20. He has submitted that respondents No. 3 to 5 have not produced valid Non-Creamy-Layer Certificate as on or up to 31.03.2019 as mentioned in the advertisement, at the time of verification of the documents. Therefore, the respondents ought to have declared the respondent Nos. 3 to 5 as ineligible candidates for the post of Talathi. But the respondent No. 2 declared the respondent Nos. 3 to 5 as selected candidates. He has submitted that name of the applicant has been kept in



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the waiting list. The applicant has submitted application / representation dated 10.12.2019 to the respondent No. 2, a copy of which is placed on record at Annexure 'A-6', page-42 and challenged the selection of respondent Nos. 3 to 5, but the respondents have not taken any decision thereon. He has submitted that as per the information received to the applicant, the respondent No. 2 is going to appoint the respondent Nos. 3 to 5 on the post of Talathi and, therefore, he prayed to direct the respondent No. 2 not to issue appointment orders in favour of the respondent Nos. 3 to 5 till decision of the O.A.

3. Learned Chief Presenting Officer, on instructions, states that the respondent No. 2 has referred the matter to the respondent No. 1 and sought guidance. He has submitted that the respondent No. 2 is not going to issue appointment orders in favour of the selected candidates on the post of Talathi till then. Only after receiving the guidance from respondent No. 1 the appointment orders will be issued in favour of the duly selected candidates. She has submitted that there is no substance in the submission of the learned Advocate for the applicant and, therefore, she prayed

to reject the prayer of the applicant to grant interim relief.

4. On considering the submissions made by learned Chief Presenting Officer, it reveals that the respondent No. 2 is not going to issue appointment order in favour of the selected candidates immediately.

5. On perusal of the record, *prima facie*, it reveals that the respondent Nos. 3 to 5 had not filed Non-Creamy-Layer Certificate, which was valid up to 31.03.2019 as notified in the advertisement at the time of verification of documents. The respondent No. 2 ought to have rejected their candidature at the time of verification of documents as they were ineligible. But the respondent No. 2 declared them as selected candidates. Hence, *prima-facie* I find substance in the submission advanced by learned Advocate for the applicant.

6. In view of the above, it is just to direct the respondent No. 2 not to issue appointment orders in favour of the respondent Nos. 3 to 5 till filing of the affidavit in reply by the respondents.

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7. Hence, the respondent No. 2 is directed not to issue appointment orders in favour of respondent Nos. 3 to 5 till filing of the affidavit in reply by the respondents.

8. Issue notices to the respondents, returnable on 14.07.2020.

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

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

11. 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.

12. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained

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and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

13. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

14. S.O. to 14.07.2020.

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

**VICE CHAIRMAN**

ORAL ORDERS 16.06.2020-HDD