

**ORIGINAL APPLICATION NO.339/2021
(Arun S. JadhavVs. State of Maharashtra &Ors.)**

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

DATE : 16.07.2021

ORAL ORDER :

Heard ShriAmol B. Chalak, learned Advocate for the Applicant andShriM.S.Mahajan, learned Chief Presenting Officer for the Respondents.

2. This O.A. is filed seeking relief of quashing and setting aside the impugned show cause notice dated 09-07-2021 (Annexure A-17) issued by the respondent no.4 i.e. Deputy Police Commissioner, Head Quarter-2, Naigaon, Brahan Mumbai as to why the services of the applicant should not be terminated.

3. The applicant in this application has further sought interim relief of stay to the said impugned show cause notice and seeking direction against the respondents not to take adverse action against the applicant based on the said show cause notice. The applicant claims to be a Sport Person. He has been appointed on the post of Police Constable vide appointment letter dated 02-02-2019 (Annexure A-8) from Sports Category. As per G.R. dated 01-07-2016 (Annexure A-2) issued by the School Education and Sports Department of Government of Maharashtra 5% reservation in Government and semi Government services to the Sports Persons is made available.

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The applicant was appointed from the said Sports Category on the basis of merit Certificate No.18 (Annexure A-3) and Sports Certificate issued in Form No.3 dated 20-09-2017 (Annexure A-4), both issued by Maharashtra Amateur Trampoline Association and Sports Verification/Validity Certificate dated 15-11-2017 (Annexure A-6) issued by respondent no.7 i.e. Deputy Director, Sports and Youth Services, Aurangabad Division, Aurangabad.

4. The applicant has served for about 2 years since then on the post after being appointed as per the appointment letter dated 02-02-2019 (Annexure A-8). It is the contention of the applicant that surprisingly he received letter dated 10-08-2020 (Annexure A-9) from the respondent no.7. It was noticed by the respondent no.7 that Sports Certificate relied upon by the applicant is bogus though verification certificate was issued. In view of the same, this show cause notice was issued for hearing. Respondent no.7 thereafter issued order dated 16-09-2020 (Annexure A-10) cancelling the earlier validity certificate issued by it. According to the applicant said order is unreasonable and unsustainable.

5. The applicant challenged the said order dated 16-09-2020 by preferring Writ Petition No.6702/2020 (Annexure A-12) before the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad. On 03-02-2021, said Writ

Petition came to be disposed of with liberty to the applicant to file appeal before Joint Director of Sports and Youth Services, Pune, so also the interim relief which was granted earlier in favour of the applicant was continued for 15 days.

6. Thereafter, the applicant preferred first appeal before the Joint Director, Sports and Youth Services, Pune on 10-02-2021 (Annexure-A-13). During the pendency of the said first appeal, the applicant preferred Writ Petition No.3338/2021 for continuation of interim relief granted earlier as per order dated 03-02-2021 (Annexure-A-12). Said Writ Petition was disposed of on 18-02-2021 (Annexure A-14) extending interim relief passed in favour of the applicant in earlier Writ Petition decided by order dated 03-02-2021 till the decision by the Joint Director, Sports and Youth Services in Appeal filed by the applicant. The first appellate authority i.e. Joint Director, Sports and Youth Services, Pune by order dated 12-03-2021 (Annexure A-15) dismissed the said appeal. According to the applicant said order is passed without supplying the necessary documents, without framing specific charges and without following the principles of natural justice.

7. Being aggrieved by the said order, the applicant has preferred the second appeal dated 08-07-2021 (Annexure A-16) before the respondent no.5. The Commissioner, Sports and Youth Services, Pune as per the provisions of

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G.R. dated 01-07-2016. The applicant has applied for interim stay before the said authority on 07-07-2021, copy of which is at page 169-A to 169-C of the paper book, collectively.

8. In the meanwhile, the impugned show cause notice dated 09-07-2021 (Annexure A-17) is issued by the respondent no.4 (which is wrongly stated as respondent no.5 by the applicant in O.A.) thereby directing the applicant as to why his services should not be terminated as the Sports Validity Certificate relied upon by the applicant is invalidated.

9. Learned Advocate for the applicant submits that the applicant has completed about 2 years' service and the impugned show cause notice is issued without following due process and principles of natural justice and if further action is taken pursuant to the said show cause notice adversely purpose of Original Application is likely to be defeated.

10. Learned CPO opposed the said submissions stating that the respondents have come across a situation wherein the employment under Sports Category is obtained by presenting bogus certificate and as such sought time for filing detailed affidavit in reply in the matter.

11. The facts as stated above show that during the pendency of the first appeal before the Joint Director,

Sports and Youth Services, Pune in respect of order dated 16-09-2020 (Annexure A-10) issued by the respondent no.7 thereby cancelling the earlier verification/validity certificate dated 15-11-2017 (Annexure A-6) issued by the respondent no.7, interim relief of protection was granted to the applicant by the Hon'ble High Court and that was operative till decision of the first appeal. Record shows that the applicant has now preferred second appeal. In the said second appeal along with application for stay is pending. Meanwhile, impugned show cause notice dated 09-07-2021 (Annexure A-17) is issued. This Tribunal is required to consider the legality of the said order in the O.A. Hence, if interim relief to the extent of not passing adverse orders against the applicant is not granted then very purpose of filing O.A. is likely to be defeated. Moreover, the applicant has completed tenure of about 2 years and the Tribunal is required to consider in the facts and circumstances of the case what course is available to the respondents to deal with the subject matter.

12. In view of the above facts and circumstances of the case ad-interim relief in terms of prayer clause 36-C to the extent of not taking any adverse action against the applicant pursuant to impugned show cause notice dated 09-07-2021 issued by the respondent no.4 is granted till filing reply of the respondents.

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13. Issue notices to the respondents, returnable on 27.08.2021.

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

15. 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.

16. 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.

17. 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.

18. S.O. to 27.08.2021.

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

MEMBER (J)

**ORIGINAL APPLICATION ST. NO.605/2021
(SaraswatiGudmewadVs. State of Maharashtra &Ors.)**

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

DATE : 16.07.2021

ORAL ORDER :

Heard ShriS.A.Deshmukh, learned Advocate for the Applicant andShriD.R.Patil, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant seeks interim relief to the effect of stay to the execution and implementation of order of transfer of the applicant dated 04-06-2021.

3. It is the case of the applicant that she was working as Staff Nurse with respondent no.4 at Latur. By the impugned order dated 04-06-2021 (Annexure A-1), the applicant has been transferred on promotion to Sub District Hospital, Daryapur, Dist. Amrawati. The applicant states that she is facing hardship due to the said transfer order. Her husband is working as Village Development Officer (VDO) at PanchayatSamiti, Ausa. Her children are studying in 10th and 12th standard, respectively. She made representation dated 08-06-2021 (Annexure A-2) [wrongly stated as dated 06-06-2021) seeking transfer in Latur only. She has stated that she would accept the promotion only if she is posted within a sphere of 30 km. from Latur district or else she would refuse the promotion itself.

4. Learned P.O. opposed the submissions advanced on behalf of the applicant and sought time to file affidavit in reply.

5. Upon enquiry to the learned Advocate for the applicant whether the applicant has joined the transferred post or not, he has submitted that the applicant has not joined at the transferred place.

6. Considering the nature of the representation dated 08-06-2021 (Annexure A-2), in my considered opinion, this is not a fit case to grant interim or ad-interim relief staying the transfer order. Hence, prayer for interim relief is rejected. *Prima facie*, there is nothing on record to show that the transfer order is passed in contravention of any of the provisions relating to promotional transfer.

7. Hence, issue notices to the respondents, returnable on 13.08.2021.

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

9. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete 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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10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

12. S.O. to 13.08.2021.

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

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

**M.A.ST.NO.789/2021 IN O.A.ST.NO.790/2021
(Nanda Paul &Ors.Vs. State of Maharashtra &Ors.)**

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

DATE : 16.07.2021

ORAL ORDER :

HeardShriAshishRajkar learned Advocate holding forShriK.G.Salunke, learned Advocate for the Applicant andShriM.P.Gude, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 22-07-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

**ORIGINAL APPLICATION NO.960/2019
(GovindLondheVs. State of Maharashtra &Ors.)**

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

DATE : 16.07.2021

ORAL ORDER :

HeardShriI.D.Maniyar learned Advocate holding forShriV.S.Panpatte, learned Advocate for the Applicant andShriM.S.Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 17-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

**ORIGINAL APPLICATION NO.961/2019
(Sham ThoratVs. State of Maharashtra &Ors.)**

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

DATE : 16.07.2021

ORAL ORDER :

HeardShriI.D.Maniyar learned Advocate holding forShriV.S.Panpatte, learned Advocate for the Applicant andShriS.K.Shirse, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 17-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

ORIGINAL APPLICATION NO.962/2019
(DevidasChandaneVs. State of Maharashtra &Ors.)

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

DATE : 16.07.2021

ORAL ORDER :

HeardShriI.D.Maniyar learned Advocate holding forShriV.S.Panpatte, learned Advocate for the Applicant andShriV.R.Bhumkar, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 17-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

**ORIGINAL APPLICATION NO.963/2019
(AmolKambleVs. State of Maharashtra &Ors.)**

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

DATE : 16.07.2021

ORAL ORDER :

HeardShriI.D.Maniyar learned Advocate holding forShriV.S.Panpatte, learned Advocate for the Applicant andShriM.P.Gude, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 17-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

ORIGINAL APPLICATION NO.964/2019
(Vishal JogdandeVs. State of Maharashtra &Ors.)

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

DATE : 16.07.2021

ORAL ORDER :

HeardShriI.D.Maniyar learned Advocate holding forShriV.S.Panpatte, learned Advocate for the Applicant andSmt. DeepaliDeshpande, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 17-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

**ORIGINAL APPLICATION NO.1090/2019
(Suresh SonwaneVs. State of Maharashtra &Ors.)**

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

DATE : 16.07.2021

ORAL ORDER :

Heard ShriV.G.Pingle, learned Advocate for the Applicant andShriN.U.Yadav, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Considering the nature of the proceedings, time is granted as a last chance to file reply.

3. S.O. to 17-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

ORIGINAL APPLICATION NO.52/2020
(PramodKolhandeVs. State of Maharashtra &Ors.)

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

DATE : 16.07.2021

ORAL ORDER :

Heard ShriH.S.Bali, learned Advocate for the Applicant andSmt. SanjivaniGhate, learned Presenting Officer for the Respondents.

2. On the request of both sides, S.O. to 17-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

**ORIGINAL APPLICATION NO.53/2020
(Kailas SasaneVs. State of Maharashtra &Ors.)**

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

DATE : 16.07.2021

ORAL ORDER :

Heard ShriH.S.Bali, learned Advocate for the Applicant andShriB.S.Deokar, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Considering the nature of the proceedings, time is granted as a last chance to file reply.

3. S.O. to 17-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

ORIGINAL APPLICATION NO.155/2020
(Vishal KambleVs. State of Maharashtra &Ors.)

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

DATE : 16.07.2021

ORAL ORDER :

Heard ShriH.S.Bali, learned Advocate for the Applicant andShriI.S.Thorat, learned Presenting Officer for the Respondents.

2. On the request of both sides, S.O. to 17-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

ORIGINAL APPLICATION NO.525/2020
(Anita PagareVs. State of Maharashtra &Ors.)

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

DATE : 16.07.2021

ORAL ORDER :

Heard ShriS.D.Joshi, learned Advocate for the Applicant andShriS.K.Shirse, learned Presenting Officer for the Respondents.

2. On the request of both sides, S.O. to 17-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

**ORIGINAL APPLICATION NO.56/2020
(Anil BarkulVs. State of Maharashtra &Ors.)**

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

DATE : 16.07.2021

ORAL ORDER :

Heard ShriKishorKhade, learned Advocate for the Applicant andSmt. SanjivaniGhate, learned Presenting Officer for the Respondents.

2. Record shows that since long the matter is pending for reply. On the request of learned P.O. short time is granted to file reply.

3. S.O. to 12-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

ORIGINAL APPLICATION NO.581/2020
(Ganesh KhetreVs. State of Maharashtra &Ors.)

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

DATE : 16.07.2021

ORAL ORDER :

Heard ShriV.P.Kadam, learned Advocate for the Applicant andShriI.S.Thorat, learned Presenting Officer for the Respondents.

2. On the request of learned P.O. time is granted for filing affidavit in reply.
3. S.O. to 13-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

**ORIGINAL APPLICATION NO.291/2021
(Dattatray MoreVs. State of Maharashtra &Ors.)**

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

DATE : 16.07.2021

ORAL ORDER :

ShriS.N.Suryavanshi, learned Advocate for the Applicant is **absent**. ShriN.U.Yadav,learned Presenting Officer for the Respondents is present.

2. On the request of learned P.O. time is granted for filing affidavit in reply.
3. S.O. to 13-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

M.A.NO.31/2021 IN O.A.ST.NO.62/2021
(RamkisanNampalle&Ors.Vs. State of Maharashtra &Ors.)

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

DATE : 16.07.2021

ORAL ORDER :

Heard ShriV.B.Dhage, learned Advocate for the Applicants andShriD.R.Patil, learned Presenting Officer for the Respondents.

2. On the request of learned P.O. time is granted for filing affidavit in reply.

3. S.O. to 11-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

M.A.NO.180/2021 IN O.A.NO.764/2018
(PrashantKacchawaVs. State of Maharashtra &Ors.)

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

DATE : 16.07.2021

ORAL ORDER :

HeardShriAshishRajkar learned Advocate holding forShriK.G.Salunke, learned Advocate for the Applicant andShriM.S.Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. Interim relief granted earlier to continue till next date.
4. S.O. to 10-08-2021.

MEMBER (J)

YUK ORAL ORDERS 16.07.2021

**M.A.NO. 191/2021 IN O.A.ST.NO. 737/2021
(Anil C. Hugge&Anr.Vs.State of Maharashtra &Ors.)**

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

(The present case is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 16.7.2021

ORAL ORDER :

Heard ShriR.K.Ashtekar, learned Advocate for the applicantsandShriM.S. Mahajan, learnedChiefPresenting Officer for the respondents.

2. By this application the applicants are seeking to sue the respondents jointly.

3. The applicants are working as Talathi in Revenue Department. They have passed the S.S.D. Examination and Revenue Qualifying Examination and, therefore, they are eligible for promotion as Girdawar.

4. Respondent No. 3 prepared a provisional seniority list on 2.2.2021. The applicants raised the objections to the said seniority list. Respondent No. 3 however, rejected the objections raised by the applicants and prepared the final seniority list in the month of May 2021.

5. In the Original Application the applicants are seeking directions against respondent No. 3 to consider the claim of the applicants for promotion as Girdawar from the date of

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**M.A.NO. 191/2021 IN
O.A.ST.NO. 737/2021**

appointment and set aside the order rejecting objections raised by the applicants.

6. In view of the same the reliefs claimed by the applicants are same as, as such, this is a fit case to grant permission to the applicants to sue the respondents jointly to avoid multiplicity of the proceedings. The present M.A. is allowed and the applicants are permitted to sue the respondents jointly, subject to payment of requisite court fee stamp, if not paid already.

7. Accompanying O.A. be registered and numbered after removal of office objections, if any. The present Miscellaneous Application stands disposed of accordingly with no order as to costs.

MEMBER (J)

ORAL ORDERS 16.7.2021-HDD

**ORIGINAL APPLICATION ST.NO. 737 OF 2021
(Anil C. Hugge&Anr.Vs. State of Maharashtra &Ors.)**

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

(The present case is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 16.7.2021

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 20.08.2021.

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

7. S.O. to 20.08.2021.

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

9. The present case be listed on separate board.

MEMBER (J)

ORAL ORDERS 16.7.2021-HDD

M.A.NO. 179/2021 IN O.A.ST.NO. 695/2021
(Ashok K. Bhalerao&Ors.Vs. State of Maharashtra &Ors.)

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

(The present case is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 16.7.2021

ORAL ORDER :

Heard ShriAshish B. Rajkar, learned Advocate for the
applicants andShriM.P. Gude, learned Presenting Officer
for the respondents.

2. At the request of learned Advocate for the applicant,
S.O. to 2.8.2021.

MEMBER (J)

ORAL ORDERS 16.7.2021-HDD

ORIGINAL APPLICATION NO. 333 OF 2021
(Supriya G. NandeVs. State of Maharashtra &Ors.)

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

(The present case is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 16.7.2021

ORAL ORDER :

Heard Shri P.G. Tambade, learned Advocate for the applicants andShri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Chief Presenting Officer submits that he has received the minutes of District Selection Committee held on 16.6.2021. The copy of the same is taken on record and marked as document 'X' for the purpose of identification. He submits that in view of the minutes of District Selection Committee, he will file affidavit in reply.

3. In view of above, issue notice to the respondents, returnable on 27.07.2021.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case

would be taken up for final disposal at the stage of admission hearing.

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

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

8. S.O. to 27.07.2021.

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

10. The present case be listed on separate board.

MEMBER (J)

ORIGINAL APPLICATION NO. 288 OF 2020
(Sandip S. MarkadVs. State of Maharashtra &Ors.)

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

(The present case is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 16.7.2021

ORAL ORDER :

Heard ShriKetan D. Pote, learned Advocate holding for Shri A.G. Ambetkar, learned Advocate for the applicant,ShriV.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3, Shri Vijay C. Surdkar, learned Advocate for respondent No. 4 and Shri Rahul A. Tambe, learned Advocate for respondent No. 5.

2. At the request of learned Advocate for the applicant,
S.O. to 17.8.2021

MEMBER (J)

ORAL ORDERS 16.7.2021-HDD

M.A.NO. 101/2021 IN O.A.ST.NO. 364/2021
(Veer BahadurKulbahadurGurung Vs. State of Maha.&Ors.)

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

(The present case is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 16.7.2021

ORAL ORDER :

Heard Shri S.A. Patnurkar, learned Advocate for the applicant andMrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that he has received written instructions from the applicant to withdraw the present M.A. No. 101/2021 along with O.A. St. No. 364/2021, as the applicant is seeking alternate remedy. The copy of written instructions is taken on record and marked as document 'X' for the purpose of identification.

3. In view of the aforesaid submissions made on behalf of the applicant, permission to withdraw the present M.A. along with O.A. is granted.

4. Accordingly, the present M.A. No. 101/2021 and O.A. St. No. 364/2021 are disposed of as withdrawn. There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.384 OF 2019
(ShriVinayak B. Kapse&Ors. Vs. State of Maharashtra & Ors.)

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

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 16.07.2021

ORAL ORDER :

Heard Shri M.B. Kolpe, learned Advocate for the Applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. S.O. to 10.08.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NOS.212, 213 & 214 ALL OF 2019
(ShriSundar S. Waghmare&Ors. Vs. State of Maharashtra & Ors.)

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

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 16.07.2021

ORAL ORDER :

Heard Shri D.R. IralePatil, learned Advocate for the Applicants in all the O.As. and Shri S.K. Shirse, learned Presenting Officer for the Respondents in all the O.As.

2. Learned P.O. for the Respondents requests for some more time for filing additional affidavit-in-reply to the amended pleadings in the O.A. Time granted.

3. S.O. to 02.08.2021.

4. O.A.Nos.439, 535, 775 & 1072 All Of 2019 be tagged along with present matters.

MEMBER (J)

ORAL ORDERS 16.07.2021-SAS

ORIGINAL APPLICATION NO.78 OF 2021
(Shubhangi Y. Pawale Vs. State of Maharashtra & Ors.)

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

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 16.07.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondent No.1. Shri C.D. Biradar, learned Advocate for the Respondent No.2 is **absent**.

2. Learned P.O. for the Respondents seeks time for filing affidavit-in-reply on behalf of Respondent No.1. Time granted.

3. S.O. to 17.08.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.192 OF 2021
(Shri Suresh B. Lande Vs. State of Maharashtra & Ors.)**

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

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 16.07.2021

ORAL ORDER :

Heard Shri P.B. Salunke, learned Advocate holding
for Shri Sunil B. Kakade, learned Advocate for the
Applicant and Shri B.S. Deokar, learned Presenting Officer
for the Respondents.

2. At the request of learned P.O. for the Respondents,
time is granted for filing affidavit-in-reply.

3. S.O. to 20.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.355 OF 2019
(ShriNagesh N. Unche&Ors. Vs. State of Maharashtra & Ors.)

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

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 16.07.2021

ORAL ORDER :

1. Heard Shri D.R. IralePatil, learned Advocate for the Applicants, Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos.1 & 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the Respondent Nos.3 to 5.

2. Learned Advocate for the Respondent Nos.3 to 5 seeks time for filing affidavit-in-reply. Time granted.

3. S.O. to 02.08.2021 for filing reply on behalf of Respondent Nos.3 to 5.

MEMBER (J)

ORIGINAL APPLICATION NO.292 OF 2021
(ShriKashinath H. Devtule Vs. State of Maharashtra & Ors.)

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

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 16.07.2021

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the
Applicant and Shri B.S. Deokar, learned Presenting Officer
for the Respondents.

2. At the request of the learned P.O. for the
Respondents, time is granted for filing affidavit-in-reply.

3. S.O. to 20.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.196 OF 2021
(ShriSandip P. More Vs. State of Maharashtra & Ors.)

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

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 16.07.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the Applicant, time is granted for filing affidavit-in-rejoinder.

3. S.O. to 10.08.2021. Interim relief granted earlier to continue till next date.

MEMBER (J)

ORAL ORDERS 16.07.2021-SAS

ORIGINAL APPLICATION NO.280 OF 2021
(ShriLaxman H. Garud&Anr. Vs. State of Maharashtra & Ors.)

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

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 16.07.2021

ORAL ORDER :

Heard ShriJiwan J. Patil, learned Advocate for the Applicants, Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondent Nos.1 to 3 and ShriS.D. Dhongde, learned Advocate for the Respondent No.5. None present on behalf of the Respondent No.4 though duly served.

3. Learned P.O. for the Respondent Nos.1 to 3 and learned Advocate for the Respondent No.5 seeks time for filing affidavit-in-reply.

4. To that, learned Advocate for the Applicants submits that at this stage, at least, status-quo may be granted.

5. Record shows that already notices are issued to the Respondents and matter is at the stage of filing reply.

6. In view of the same, time is granted for filing affidavit-in-reply.

7. S.O. to 18.08.2021.

MEMBER (J)

ORAL ORDERS 16.07.2021-SAS

ORIGINAL APPLICATION NO.281 OF 2021

(Kusum M. Bhise&Anr. Vs. State of Maharashtra & Ors.)

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

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 16.07.2021

ORAL ORDER :

Heard ShriJiwan J. Patil, learned Advocate for the Applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent Nos.1 to 3.

3. Shri Vishal A. Bagdiya, learned Advocate has filed VAKALATNAMA on behalf of the Respondent No.4. The same is taken on record.

4. ShriAmol G. Vasmatkar, learned Advocate has filed VAKALATNAMA on behalf of the Respondent No.5. The same is taken on record.

5. Learned P.O. for the Respondent Nos.1 to 3, learned Advocate for the Respondent No.4 and learned Advocate for the Respondent No.5 seek time for filing affidavit-in-reply.

4. To that, learned Advocate for the Applicants submits that at this stage, at least, status-quo may be granted.

5. Record shows that already notices are issued to the Respondents and matter is at the stage of filing reply.

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O.A.No.281/2021

6. In view of the same, time is granted for filing affidavit-in-reply.

7. S.O. to 18.08.2021.

MEMBER (J)

ORAL ORDERS 16.07.2021-SAS

M.A.NO.154/2021 IN O.A.ST.NO.297/2021
(ShriBaliram S. Sapkale&Ors. Vs. State of Maharashtra & Ors.)

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

(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 16.07.2021

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the Applicants and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. At the request of learned P.O. for the Respondents, time is granted for filing affidavit-in-reply.
3. S.O. to 23.08.2021.

MEMBER (J)

ORAL ORDERS 16.07.2021-SAS

ORIGINAL APPLICATION NO.722 OF 2021

(ShriGajanan B. Bansode&Ors. Vs. State of Maharashtra & Ors.)

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

(This case is placed before the Single Bench due to non-availability of Division Bench)

DATE : 16.07.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the Applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondent Nos. 1 to 3, Shri M.B. Kolpe, learned Advocate for the Respondent No.4, Shri A.S. Deshmukh, learned Advocate for the Respondent Nos.5, 6, 71, 87, 150, 198, 211, 229, 369, 489, 511, 528, 625, 628 & 629, Shri G.K. Kshirsagar, learned Advocate for the Respondent Nos.221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627 and Shri G.M. Ghongade, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Respondent Nos.15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554.

3. ShriSandeepDere, learned Advocate has filed VAKALATNAMA on behalf of Respondent Nos.248, 412, 20, 22, 23, 30, 33, 36, 58, 60, 75, 78, 79, 84, 90, 92, 94, 109, 111, 115, 117, 121, 123, 126, 130, 132, 133, 158, 162, 171, 173, 177, 178, 180, 189, 196, 200, 205, 209, 210, 213, 216, 218, 226, 240, 255, 258, 260, 267, 271, 272, 594, 277, 279, 298, 303, 309, 315, 320, 326, 339, 343,

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O.A.No.722/2019

349, 351, 359, 372, 377, 382, 390, 391, 400, 402, 407, 411, 415, 417, 422, 426, 428, 436, 442, 450, 451, 453, 325, 456, 458, 467, 475, 477, 478, 479, 488, 491, 500, 502, 512, 514, 517, 533, 535, 536, 541, 545, 550, 367, 560, 563, 565, 568, 569, 596, 603, 618, 619, 624, 626, 630, 634, 636 & 638. The same is taken on record.

4. Record shows that four Respondents being Respondent Nos.105, 317, 443 & 498 yet to be served.

5. Learned C.P.O., learned Advocate for the Respondent No.4 (M.P.S.C.) and respective learned Advocates for other private Respondents are seeking time for filing affidavit-in-reply stating that they are waiting for some relevant documents.

6. In view of above, short time is granted for filing affidavit-in-reply by the Respondents.

7. S.O. to 18.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 606 OF 2019
(Sayanna N. Aadpod Vs. State of Maharashtra & Ors.)

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

DATE : 16.7.2021

ORAL ORDER :

Heard Smt. A.N. Ansari, learned Advocate for the applicant, and Shri M.P. Gude, learned Presenting Officer for the respondent no. 1 & 2, Shri V.B. Dhage, learned Advocate holding for Shri R.K. Ingole, learned Advocate for respondent nos. 2 & 3 and Shri A.B. Rajkar, learned Advocate for respondent no. 4.

2. The present matter was taken up for final hearing. During the arguments being advanced by the learned Advocate for the applicant, she pointed out that the document of recommendation of Civil Services Board (page 59 of paper book) being a document annexed with the affidavit in rejoinder filed by the applicant, which shows that the applicant's proposal for transfer from Panchayat Samiti, Nanded was accepted in view of the fact that the wife of the applicant is also a Government servant. From that, a question arises for consideration is as to whether the wife of the applicant is also transferred in Panchayat Samiti, Nanded or in some other Department at Nanded. Learned Advocate for the applicant submits that she also does not have any instructions in that regard and if some

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O.A. NO. 606 OF 2019

time is granted, she would seek the said instructions with necessary documents on the next date. Time granted.

3. Learned P.O. to make endeavor to place on record the relevant information on the above line on the next date.

4. S.O. to 6.8.2021.

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MEMBER (J)

**ORIGINAL APPLICATION NO. 259 OF 2020
(Panchamlal L. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 16.7.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. During the arguments, it reveals that the impugned order of transfer dated 10.8.2020 (Annex. A-5 pages 23 & 24 of paper book) is issued by the respondent no. 1 by invoking the provisions of section 4 of the Transfer Act, 2005 and the G.Rs. dated 7.7.2020 & 23.7.2020. It is the contention of the applicant that the impugned order of transfer is midterm order as he was working on the post of Deputy Director in Ground Water Survey & Development Agency, Aurangabad since 8.12.2015. As per the provisions of section 6 of the Transfer Act, 2005, the competent transferring authority for the post held by the applicant is Hon'ble the Chief Minister. If the case of the applicant is to be considered being transfer U/s 4(4)(ii) of the Transfer Act, 2005, then the question would arise as to who is the next higher authority for approving the transfer order passed by the competent transferring authority. The respondents have to enlighten on this point on the next

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O.A. NO. 259 OF 2020

date by producing the concerned original file for perusal of the Tribunal.

3. S.O. to 26.7.2021

4. Steno copy allowed for the use of learned P.O.

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MEMBER (J)

ARJ ORAL ORDERS 16.7.2021

**ORIGINAL APPLICATION NO. 455 OF 2020
(Sahebrao D. Wagh Vs. State of Maharashtra & Ors.)**

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

DATE : 16.7.2021

ORAL ORDER :

Heard Shri Rshikesh A. Joshi, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 10.8.2021.

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MEMBER (J)

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

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

DATE : 16.7.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The present O.A. was heard at length on 30.6.2021 and was closed for orders.

3. While preparing for judgment in the present O.A. I have come across the Govt. Circular dated 29.5.2015 issued by the G.A.D., Govt. Notification dated 15.1.2015 and G.R. dated 27.5.2016 issued by the P.W.D. In that regard, I am of the opinion that, I have to hear both the parties on the aspect of Competent Transferring Authority and Next Higher Authority for Approving the Transfer in the background of the provisions of section 6 of the Transfer Act, 2005.

4. In the above circumstances, the present matter be placed on board on 26.7.2021 for hearing on the above limited point.

MEMBER (J)