

M.A. 84/2019 IN O.A. ST. 921/2018
(Shriram B. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Shri V.G. Salgare, learned Counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Counsel, S.O. to 22.3.2021.

MEMBER (J)

M.A. 85/2019 IN O.A. st. 922/2018
(Hanshraj M. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Shri V.G. Salgare, learned Counsel for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Counsel, S.O. to 22.3.2021.

MEMBER (J)

M.A. 86/2019 IN O.A. ST. 923/2018
(Shivaji M. Shelke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Shri V.G. Salgare, learned Counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Counsel, S.O. to 22.3.2021.

MEMBER (J)

M.A. 87/2019 IN O.A. ST. 924/2018
(Dhananjay P. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Shri V.G. Salgare, learned Counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Counsel, S.O. to 22.3.2021.

MEMBER (J)

M.A. 160/2020 IN O.A. 712/2018
(Sandipan A. Gawali Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Shri D.K. Rajput, learned Counsel for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Counsel, S.O. to 24.3.2021.

MEMBER (J)

M.A. 324/2020 IN O.A. 455/2020
(Sahebrao B. Wagh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri Rhshikesh A. Joshi, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By filing the present M.A. the applicant has prayed for two reliefs i.e. the applicant be permitted to add the Dist. Treasury Officer, Aurangabad as a party respondent in O.A. no. 45/2020 and also direct the Dist. Treasury Officer to restore the position as existed on 2nd of November, 2020.

3. In this behalf the applicant's contention is that before notices of the O.A. were served upon the respondents certain amount has been recovered by the Dist. Treasury Officer, Aurangabad and therefore, that amount is required to be refunded to the applicant. However, no such specific prayer is made by the applicant in the present M.A. The prayer that the Dist. Treasury Officer be directed to restore the position as existed on 2nd November, 2020 is vague.

4. On the above background, the learned Counsel for the applicant seeks leave of this Tribunal to allow the applicant to carry out suitable amendment in the O.A. for

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MA 324/20 IN OA 455/20

claiming the relief of refund of amount as recovered by the Dist. Treasury Officer, Aurangabad. Leave as sought for is granted. The suitable amendment in O.A. in that regard be carried out within a week and amended copy of O.A. be supplied to other side.

5. In view of above, the present M.A. stands disposed of with no order as to costs.

MEMBER (J)

M.A. 484/2019 IN O.A. ST. 1785/2019
(Vivekanand V. Gujar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. In the present M.A. the applicant has prayed to condone the delay of 30 days caused in filing accompanying O.A. st. no. 1785/2019.

3. Learned Counsel for the applicant submits that in fact there is no delay, but because the Registry has raised the office objection, he has filed the present M.A. for condonation of 30 days delay in filing the O.A.

4. The applicant retired on 30.6.2017 and his yearly increment was due on 1.7.2017, which was not granted to him. The Registry has calculated the limitation from the date of retirement.

5. However, the applicant has made representation on 12.11.2018 for grant of increment, which was become due one day after his retirement i.e. on 1.7.2017 and as the said representation is not yet decided by the concerned respondent, the limitation has to be counted from the date of said representation.

::-2-:: **M.A. 484/2019 IN O.A. ST. 1785/2019**

6. In view of above, it being the case of increment of a retired employee, I am inclined to condone the delay.

7. In the circumstances, the present M.A. is allowed with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 1785/2019
(Vivekanand V. Gujar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The present O.A. has been filed by the applicant for grant of annual increment due on 1.7.2017. Incidentally the applicant stand retired on 30.6.2017. He has rendered complete one year continuous service, but since he retired one day before the due date of increment i.e. on 30.6.2017 it affected his pension. The applicant has filed representation on 12.11.2018 contending that in view of completion of one year service he is entitled for next increment and therefore requested the respondent to re-fix his pension. The said representation of the applicant is yet not decided by the respondent.

3. In view of above, as requested by the learned Advocate for the applicant, the present O.A. stands disposed of with a specific direction to the respondent to consider the representation of the applicant dated 12.11.2018 and to pass an appropriate order thereon within a period of 2 months from today and communicate the decision to the applicant in writing within 2 weeks

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O.A. ST. NO. 1785/2019

therefrom. If the decision of the respondent on the representation of the applicant dated 12.11.2018 goes against him, he is at liberty to avail appropriate remedy for redressal of his grievance. There shall be no order as to costs.

MEMBER (J)

M.A. 162/2020 IN O.A. ST. 522/2020
(Sandu Y. Dongre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri S.B. Jadhav, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks leave of the Tribunal to amend the O.A. and challenge the decision of the Review Committee. Leave as prayed for is granted. Applicant shall carry out the amendment in O.A. within a week

3. S.O. to 22.3.2021.

MEMBER (J)

M.A. 245/2020 IN O.A. 405/2020
(Smt. Varsharani B. Netke Vs. Sandeep G. Patil & State of Maharashtra & Ors.)

CORAM : Hon'ble Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri M.S. Bhosale, learned Counsel for the applicant in the present M.A., Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 2 & 3 in the present M.A. and Shri A.D. Sugdare, learned Advocate for respondent no. 1 in the present M.A. / applicant in O.A.

2. At the request of learned Counsel for respondent no. 1 in M.A. / Applicant in O.A., S.O. to 18.2.2021 for hearing, subject to availability of time.

MEMBER (J)

O.A. NOS. 592/2019 WITH O.A.285/2020
(Dr. Veena R. Garje Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Counsel for the applicant in both the cases and Shri I.S. Thorat, learned Presenting Officer for the respondents in both the cases.

2. At the very outset it is disgusting to note that despite the stay order passed by this Tribunal, the respondent no. 1 had audacity to play with the order passed by the Tribunal and transferred the applicant during the operation of stay order.

3. The applicant was serving as a Livestock Development Officer, Integrated Survey Scheme, Latur and by the order dtd. 4.7.2019 she was transferred to the post of Live Stock Development, Mobile Veterinary Dispensary, Chapoli, Tq. Chakur, Dist. Latur. Aggrieved by the said transfer order the applicant initially filed O.A. no. 592/2019, wherein this Tribunal granted interim relief on 8.7.2019 and stayed the said transfer order dated 4.7.2019.

4. Surprisingly, though this Tribunal has granted interim stay to the said transfer order, the respondent no. 1 ventured in transferring the applicant again by the

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O.A. NOS. 592/19 WITH 285/2020

subsequent transfer order dated 7.8.2020, whereby she was transferred from the post of Livestock Development Officer, Integrated Survey Scheme, Latur to the post of Livestock Development Officer (Extension), Panchayat Samiti, Nilanga. The applicant has again challenged the subsequent transfer order dtd. 7.8.2020 by filing another O.A. bearing No. 285/2020, before this Tribunal.

5. Both the matters were taken up for hearing yesterday and having noticed that, prima-facie, the respondent no. 1 has committed contempt of the order of this Tribunal passed on 8.7.2019 in O.A. NO. 592/2019, the learned P.O. was asked to take instructions as to whether the respondent no. 1 wants to reconsider its subsequent transfer order dated 7.8.2020, by which applicant is transferred from the post of Livestock Development Officer, Integrated Survey Scheme, Latur to the post of Livestock Development Officer (Extension), Panchayat Samiti, Nilanga, to avoid further complications and action for Contempt of Court.

6. Today in the morning session when the matter was taken up for hearing, the learned P.O., on instructions from the respondent no. 1, tried to justify the second transfer order. However, he was not able to satisfy this Tribunal as to why despite the interim stay order of the Tribunal the applicant is again transferred by the second transfer order

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O.A. NOS. 592/19 WITH 285/2020

dated 7.8.2020. Therefore, he again asked for time and requested the Tribunal to keep back the matter in second session so that he can take the proper instructions from the respondent no. 1.

7. In the afternoon session the learned P.O. has tendered a copy of communication dated 17.2.2021 issued by the respondent no. 1 stating that the applicant will be reposted on her original post as a Livestock Development Officer, Integrated Survey Scheme, Latur with the approval of the competent authority by withdrawing the earlier both the transfer orders dated 4.7.2019 and 7.8.2020. The said communication is taken on record and marked as document 'X' for the purpose of identification.

8. Thus, the respondent no. 1 seems to have realized its mistake as well as the gravity of the matter for breach of the interim order passed by the Tribunal.

9. Be that as it may, in view of letter dtd. 17.2.2021 both the O.As. can be disposed of since the grievance of the applicant is now being redressed by the Government.

10. In view of above, both the O.As. are disposed of with a direction to the respondent no. 1 to issue transfer order in respect of the applicant to the post of Livestock Development Officer, Integrated Survey Scheme, Latur as stated in the letter dated 17.2.2021 (document 'X') within a

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O.A. NOS. 592/19 WITH 285/2020

period of one month from today. There shall be no order as to costs.

MEMBER (J)

ARJ ORAL ORDERS 17.2.2021 – DIAS ORDER

M.A.NO.338/2020 IN O.A.NO.966/2019
M.A.NO.339/2020 IN O.A.NO.967/2019
M.A.NO.340/2020 IN O.A.NO.968/2019
M.A.NO.341/2020 IN O.A.NO.969/2019
M.A.NO.342/2020 IN O.A.NO.970/2019
M.A.NO.343/2020 IN O.A.NO.971/2019
M.A.NO.344/2020 IN O.A.NO.972/2019
M.A.NO.345/2020 IN O.A.NO.974/2019
M.A.NO.346/2020 IN O.A.NO.975/2019
M.A.NO.347/2020 IN O.A.NO.976/2019
M.A.NO.348/2020 IN O.A.NO.977/2019
M.A.NO.349/2020 IN O.A.NO.978/2019
M.A.NO.350/2020 IN O.A.NO.979/2019
(Prakash Deshpande & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate for the applicants and S/Shri S.K.Shirse, V.R.Bhumkar, M.P.Gude, I.S.Thorat, B.S.Deokar, S/Smt. M.S.Patni and Deepali Deshpande, learned Presenting Officers for the respondents in respective matters.

2. These M.As. are filed for amendment to O.As. which were filed in the year 2019 on the ground of subsequent developments in 2020 as claims of the applicants were rejected on common grounds. As such by common amendment applications, applicants want to place on record subsequent communications/circulars.

3. Learned P.Os. have no objection to allow the amendment applications.

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4. In view of above, amendment applications are allowed. It be incorporated in the O.As. within a week. There shall be no order as to costs.

MEMBER (J)

YUK ORAL ORDERS 17.02.2021

**O.A.NO.966/2019, O.A.NO.967/2019, O.A.NO.968/2019
O.A.NO.969/2019, O.A.NO.970/2019, O.A.NO.971/2019
O.A.NO.972/2019, O.A.NO.974/2019, O.A.NO.975/2019
O.A.NO.976/2019, O.A.NO.977/2019, O.A.NO.978/2019
AND O.A.NO.979/2019
(Prakash Deshpande & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate for the applicants and S/Shri S.K.Shirse, V.R.Bhumkar, M.P.Gude, I.S.Thorat, B.S.Deokar, S/Smt. M.S.Patni and Deepali Deshpande, learned Presenting Officers for the respondents in respective matters.

2. After amendment is carried out, issue notices to the respondents, returnable on 30.03.2021.

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)

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O.A.NO.966/19 & Ors.

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

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

7. S.O. to 30.03.2021.

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

MEMBER (J)

M.A.NO.135/2020 IN O.A.ST.NO.336/2020
(Khurshid Begum Mohd. Moosa Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Shri A.G.Dalal/A.F.Pathan learned Advocate for the applicant is **absent**. Shri M.P.Gude learned Presenting Officer for the respondents is present.

2. Applicant's Counsel is absent. Learned P.O. prays for adjournment.

3. S.O. to 18-03-2021.

MEMBER (J)

ORIGINAL APPLICATION ST. NO.449/2020
(Manoj Salgar Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri U.P.Giri learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 30.03.2021.

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.

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

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O.A.ST.NO.449/20

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 30.03.2021.

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

MEMBER (J)

YUK ORAL ORDERS 17.02.2021

ORIGINAL APPLICATION ST. NO.84/2021
(Sukhdeo Shinde Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri J.B.Choudhary learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 30.03.2021.

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.

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

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O.A.ST.NO.84/20

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 30.03.2021.

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

MEMBER (J)

YUK ORAL ORDERS 17.02.2021

ORIGINAL APPLICATION ST. NO.214/2021
(Kadubai Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.K.Khandelwal learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to tomorrow i.e. on 18-02-2021.

MEMBER (J)

M.A.ST.NO.205/2021 IN O.A.ST.NO.206/2021
(Ambar Patil & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.P.Bhumkar learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for the respondents.

2. This is an application for leave to sue jointly.
3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately.
4. In this view of the matter, the present M.A. is allowed, subject to applicants paying requisite Court Fees, if not already paid.
5. M.A.St.No.205/2021 is allowed. No order as to costs.

MEMBER (J)

O.A.ST.NO.206/2021

(Ambar Patil & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.P.Bhumkar learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 30.03.2021.

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.

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

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O.A.ST.NO.206/21

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 30.03.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO.96/2021
(Shriram Chavan Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.P.Bhumkar learned Advocate for the applicant and Smt. M.S.Patni learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 30.03.2021.

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.

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

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O.A.ST.NO.96/21

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 30.03.2021.

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

MEMBER (J)

YUK ORAL ORDERS 17.02.2021

ORIGINAL APPLICATION NO.66/2021
(Gajendra Patil Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri S.R.Patil learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 30.03.2021.

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.

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

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O.A.NO.66/21

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 30.03.2021.

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

MEMBER (J)

YUK ORAL ORDERS 17.02.2021

ORIGINAL APPLICATION NO.88/2021
(Dr. Rajesh Kasralikar Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri Ashish Rajkar learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for the respondents.

2. In the present O.A. the applicant is challenging the suspension order dated 02-05-2019 whereby he was suspended in view of registration of crime and arrest invoking Rule 4(2)(a) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. Since then the applicant is under suspension. Apparently, he is in prolonged suspension without taking any steps to review the suspension in terms of G.R. dated 14-10-2011.

3. Issue notices to the respondents, returnable on 31.03.2021.

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

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O.A.No.88/2021

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. In the meantime, respondents are directed to take review of the suspension in terms of G.R. dated 14-10-2011 and to approach the Tribunal on returnable date.

9. S.O. to 31.03.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO.94/2021
(Sharad Tote Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri Ashish Rajkar learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. The applicant has challenged the impugned order of punishment dated 28-01-2020. He has already filed appeal before the respondent no.1 on 03-03-2020 (page 56 of O.A.) but the same is not decided. Hence, this O.A.

3. In view of above, O.A. can be disposed of with suitable directions.

4. Indeed, appeal filed on 03-03-2020 ought to have been decided by the respondent no.1 by this time but it is still pending. Respondent no.1 is therefore directed to decide the appeal dated 03-03-2020 within 2 months from today in accordance with law and the decision as the case may be, shall be communicated to the applicant within a week. O.A. stands disposed of with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.95/2021
(Nitin Shelar Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri S.R.Zambre learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 31.03.2021.

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.

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

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O.A.NO.95/21

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 31.03.2021.

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

MEMBER (J)

YUK ORAL ORDERS 17.02.2021

M.A.NO.45/2021 IN O.A.ST.NO.216/2021
(Gangadhar Belurkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri S.C.Bhosale learned Advocate for the applicants and Smt. Deepali Deshpande learned Presenting Officer for the respondents.

2. This is an application for leave to sue jointly.
3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately.
4. In this view of the matter, the present M.A. is allowed, subject to applicants paying requisite Court Fees, if not already paid.
5. M.A.No.45/2021 is allowed. No order as to costs.

MEMBER (J)

O.A.ST.NO.216/2021

(Gangadhar Belurkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri S.C.Bhosale learned Advocate for the applicants and Smt. Deepali Deshpande learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 31.03.2021.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (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

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O.A.ST.NO.216/21

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 31.03.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO.138/2020
(Balasaheb Kundgir Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.

2. In the present O.A. transfer order is challenged. Today, however, learned Advocate for the applicant states that the applicant already stands retired on 31-01-2021, and therefore, he prayed for leave to withdraw the O.A.

3. This O.A. has become infructuous in view of retirement of the applicant.

4. Leave as prayed for is granted. O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.102/2019
(Visvas S. Tore Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.P.Bhumkar learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for the respondent no.1 and Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3.

2. Pleadings are complete. Admit. Case be placed for final hearing in due course.

MEMBER (J)

ORIGINAL APPLICATION NO.208/2019
(Bhaskar P. Dole & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.P.Bhumkar learned Advocate for the applicant, Shri B.S.Deokar learned Presenting Officer for the respondents and Shri N.U.Yadav learned Advocate for respondent no.4.

2. Pleadings are complete. Admit. Case be placed for final hearing in due course.

MEMBER (J)

ORIGINAL APPLICATION NO.950/2019
(Jayshri Thakur Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri H.A.Joshi learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 24-03-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.572/2019
(Parasram Bahure Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.P.Bhumkar learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for the respondents.

2. In the present O.A. applicant has challenged the order dated 29-06-2019 passed by the respondent no.3 State Information Commission, Aurangabad whereby on completion of deputation period, he was relieved on 29-06-2019.

3. Applicant's parent department is Water Resources Department, Mantralaya, Mumbai. By order dated 15-06-2015, he was deputed for 4 years in the office of respondent no.3 State Information Commission. When the period of 4 years was about to over, the applicant made a representation on 02-05-2019 for his retention in State Information Commission, Aurangabad. However, respondent no.3 had relieved him by letter dated 29-06-2019 since his period of deputation was over. Thus, admittedly, period of deputation was 4 years and since it was over, the applicant was repatriated to parent department. Accordingly, the applicant joined in his parent department and is working there.

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4. Needless to mention that, issue of deputation and its period falls within the domain of parent department and consideration of the Government and once period of deputation of 4 years is over applicant has no right to continue the deputation in borrowing department. The applicant contends that considering his difficulties he should have been given one year's deputation in State Information Commission, Aurangabad as requested by his representation dated 02-05-2019 but the fact remains that he was relieved by respondent no.3 on 29-06-2019. That means impliedly his representation is turned down. In any case, it was for the Government to decide the issue of deputation of the applicant since the deputation period is already over and applicant has been repatriated, challenge to the relieving order dated 29-06-2019 does not survive.

5. As such, I see no illegality in the relieving order dated 29-06-2019 whereby the applicant has been relieved in view of the completion of his deputation period.

6. Suffice to say, O.A. is devoid of merit and deserves to be dismissed. O.A. stands dismissed with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.18/2021
(Ramrao Pallewad Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri Hemant Surve learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. The applicant has challenged the suspension order dated 05-11-2018 whereby he was suspended in contemplation of departmental enquiry invoking Rule 4(1)(a) of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. Later, Enquiry Officer was appointed who conducted enquiry and submitted his report on 10-06-2019 with a finding that except charge no.4, other charges are not proved. However, report is kept in cold storage by respondent no.2 who is appointing authority and was duty bound to pass further appropriate orders on the report of the Enquiry Officer. It is really disgusting that the applicant is under suspension from 2018 and despite submission of enquiry report, respondent no.2 turned blind eye and the applicant is made to suffer.

3. In view of above, O.A. can be disposed of with suitable directions since the enquiry is already over and only final order remained to be passed.

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4. In view of above, O.A. is disposed of with direction to respondent no.2 to take final decision in departmental enquiry in accordance to law within 2 months from *today* without fail and a decision as the case may be, shall be communicated to the applicant within a week thereafter. If applicant feels aggrieved by the decision, he may avail further recourse of law. There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.67/2021
(Prabhakar Chincholkar Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri S.G.Kulkarni learned Advocate for the applicant, Smt. M.S.Patni learned Presenting Officer for the respondent no.1 and Shri Shamsundar B. Patil learned Advocate for respondent nos.2 & 3.

2. In this matter the applicant has retired and challenging order of recovery and re-fixation of pay after retirement. Respondents have not filed reply yet.

3. Learned Advocate for the applicant seeks interim relief against the recovery. Admittedly, the applicant has retired as Class-III employee and recovery is sought due to wrong pay fixation by the department. As such, in view of the decision of Hon'ble Supreme Court in case of **State of Punjab and others etc. V/s. Rafiq Masih (White Washer) etc.** reported in [AIR 2015 SC 696] such type of recovery is impermissible

4. In view of above, interim relief against recovery is granted till the filing of reply.

5. S.O. to 31-03-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.43/2021
(Chandramuni Kamble Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P.Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri S.G.Kulkarni learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for the respondent no.1 and Shri Shamsundar B. Patil learned Advocate for respondent nos.2 & 3.

2. In this matter the applicant has retired and challenging order of recovery and re-fixation of pay after retirement. Respondents have not filed reply yet.

3. Learned Advocate for the applicant seeks interim relief against the recovery. Admittedly, the applicant has retired as Class-III employee and recovery is sought due to wrong pay fixation by the department. As such, in view of the decision of Hon'ble Supreme Court in case of **State of Punjab and others etc. V/s. Rafiq Masih (White Washer) etc.** reported in [AIR 2015 SC 696] such type of recovery is impermissible

4. In view of above, interim relief against recovery is granted till the filing of reply.

5. S.O. to 31-03-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.560/2020
(Shri Dilip Laxman Bhadake Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member(J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri Subhash S. Nade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicant on instruction on his client states that his client is not interested to continue the matter and requested for permission to withdraw the O.A.
3. Permission to withdraw the O.A. is granted.
4. Original Application is disposed of. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO.261/2020 WITH
CAVEAT NO.15/2020 WITH CAVEAT NO.12/2020
(Shri Parag M. Nawalkar Vs. State of Maharashtra & Ors.)**

CORAM : Shri A.P. Kurhekar, Member(J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

Shri Sachin S. Randive, learned Advocate for the Respondent No.3 (**Absent**).

2. At the request of the learned Advocate for the Applicant, S.O. to 24.03.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.85/2021

(Dr. Balaji Marotrao Shinde Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member(J)

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

DATE : 17.02.2021

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. Issue notices to the respondents, returnable on 24.03.2021.

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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O.A. No.85/2021

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

7. S.O. to 24.03.2021.

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

MEMBER (J)

ORIGINAL APPLICATION ST.NO.224/2020
(Shri Sayyed Zaker Altaf Hussain & Another Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member(J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The Applicants are working on the post of Junior Clerk in Swami Ramanand Tirtha Rural Government Medical College, Ambajogai, District- Beed.

3. The Director, Medical Education and Research issued the order dated 30.12.2020 and posted the Applicants at Government Medical College, Baramati.

4. However, the Applicants did not join on health reason and filed representation. Since the representations are not responded, the Applicants have filed present Original Application.

5. Promotion order has been issued by the Director, Medical Education and Research, Mumbai but, in O.A., the Applicants have mentioned that said promotion order is issued by Director of Education and Drugs Department. Therefore, the learned Advocate for the Applicants is

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O.A.St.No.224/2020

directed to rectify the mistake and correct the name of the Respondent No.2 forthwith.

6. Learned Advocate for the Applicant sought to contend that the counterpart of the Applicants has been accommodated as per their choice and therefore, considering the personal difficulties of the Applicant, their representation ought to have been considered.

7. Indeed, on promotion, a Government servant cannot insist for particular place of his choice. As such, Applicants have not legal right to ask for Ambajogai on promotion. Therefore, the O.A. is not maintainable.

8. In view of above, the Original Application is disposed of with direction to the Respondent No.2 i.e. Director of Medical Education and Research to decide the representation made by the Applicants within a period of two months from today and decision as may be taken by the Respondents be communicated to the Applicants.

9. Original Application is disposed of with no order as to costs.

MEMBER (J)

M.A.ST.NO.223/2021 IN O.A.ST.NO.224/2020
(Shri Sayyed Zaker Altaf Hussain & Another Vs. State of
Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member(J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid.

5. M.A.St.No.223/2021 is allowed. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.232/2020
(Shri Rohini N. Charole Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member(J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Ms. Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the Applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 3 and Shri S.B. Mene, learned Advocate holding for Shri B.S. Chondhekar, learned Advocate for the Respondent No.4.

Shri N.V. Gaware, learned Advocate for the Respondent No.5 (**Absent**).

2. Learned Advocate for the Respondent No.4 seeks four weeks time for filing affidavit-in-reply. Time granted.
3. S.O. to 22.03.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.436/2020
(Shri Indrasen M. Tikare Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member(J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

3. In the present Original Application the Applicant has challenged Departmental Enquiry which has been initiated after his retirement and also prayed for release of provisional pension along with other pensionary benefits.

4. In the present Original Application, notices were issued on 22.10.2020, but till date no reply is filed though enough time is availed.

5. Applicant stands retired on 30.09.2019. However, till date even provisional pension is not granted. Needless to mention that even if departmental enquiry is initiated, the Respondents are under obligation to sanction provisional pension and also to release other retiral benefits which need not be withheld on account of initiation of departmental enquiry.

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O.A.No.436/2020

6. Regret to note that till date the provision pension is not paid to the Applicant due to sheer inaction on the part of the Respondent No.3.

7. In view of above, the Respondent No.3 is directed to release provision pension in accordance with Rules within a month from today.

8. The Respondent No.3 is further directed to release other retiral benefits of the Applicant which are not required to be withheld on account of pendency of departmental enquiry as per his entitlement within a month from today.

9. On request of the learned P.O., three weeks time is granted for filing affidavit-in-reply.

10. S.O. to 15.03.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.77/2021

(Shri Vishvanath H. Mahindrakar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member(J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

3. On perusal of Original Application reveals that this Tribunal already granted interim relief by order dated 03.02.2021.

4. On request of learned P.O., three weeks time is granted to file affidavit-in-reply. Interim relief granted earlier to continue till filing of affidavit-in-reply.

5. S.O. to 24.03.2021.

MEMBER (J)

M.A.NO.90/2020 IN O.A.NO.1067/2019
(Shri Prakash J. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member(J)

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

DATE : 17.02.2021

ORAL ORDER :

The Applicant and his counsel are absent.

Heard Shri B.S. Devkar, learned Presenting Officer
for the respondents.

3. On the request of the learned P.O., three weeks time
is granted for filing-affidavit-in-reply to Misc. Application.
4. S.O. to 26.03.2021.

MEMBER (J)

M.A.NO.250/2020 IN O.A.NO.140/2020
(Shri Shrikant K. Bhale Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member(J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The Original Application was dismissed in default due to non compliance of conditional order of issuance of notice and non-filing of service affidavit as seen from order dated 12.03.2020.

3. Learned Advocate for the Applicant submits that due to Covid-19 Pandemic situation and subsequent lockdown, Applicant could not collect the notices from the office of this Tribunal and requested to condone the delay and restore the Original Application to its original file.

4. It seems that due to Covid-19 Pandemic situation and subsequent lockdown applicant could not attend the Tribunal so as to collect the notice and file service affidavit.

5. In view of above, the Misc. Application no.250/2020 is allowed and O.A.No.140/2020 is restored to its original file.

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M.A.No.250/2020 in O.A.140/2020

6. Misc. Application accordingly disposed of. No order as to costs.

MEMBER (J)

SAS ORAL ORDERS 17.02.2021

ORIGINAL APPLICATION NO.140/2020
(Shri Shrikant K. Bhale Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member(J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. This Original Application was dismissed in default for non compliance of order dated 12.03.2020.
3. Today, in view of the restoration order passed in M.A.No.250/2020, Original Application No.140/2020 is restored to its original file.
4. On restoration issue fresh notices to the respondents, returnable on 26.03.2021.
5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
6. 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

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O.A.No.140/2020

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

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

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

9. S.O. to 26.03.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO.1023/2019
(Shri Chandrashekhar N. Nagare Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member(J)

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

DATE : 17.02.2021

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. The Applicant is serving in the cadre of Sectional Engineer, P.W.D. and In-charge Deputy Engineer. He is posted at Jalna. He claims to be physically handicapped person with 42% permanent disability (page no.23 of the paper book of O.A.).

3. Learned Advocate for the Applicant pointed out that as per decision of **Hon'ble Supreme Court (Civil) No.521 of 2008 Rajeev Kumar Gupta & Others Vs. Union of India & Others** decided on 30.06.2016 as well as the decision of the **Hon'ble High Court in Writ Petition No.9019 of 2016 Sudhakar Malba Davkare Vs. Maharashtra Jeevan Pradhikaran & Ors.** decided on 20.09.2017, the Government is under obligation to reserve three percent posts for persons with disability for promotion in Group 'A' and Group 'B' cadre but

Respondents have completely neglected to implement the decision cited above.

4. He further states that the Applicant is eligible for promotion but for inaction on the part of the Respondents, he is deprived from the promotion. He has further pointed out from the reply filed by the Respondents that the matter is delayed due to inaction on the part of respondents. He further submits that the Government should take necessary policy decision forthwith so that the Applicant as well as other eligible candidates would get promotion.

5. Whereas the learned C.P.O. submits that the matter is under consideration before the Government for long time but no decision is taken yet. He submits that as soon as the decision is taken regarding policy of reservation for persons with disability same will be implemented in accordance to law.

6. It is material to note here para no.11 of the reply which is as follows:-

11. I say and submit that, as per the Rules of Business framed under Article 166 (3) of the Constitution of India, the present issue of implementation in accordance with the provisions under first proviso to Section 34(1) of the said Act of 2016 by framing Government policy regarding the same falls within the purview of the General Administration Department, (G.A.D.) Government of Maharashtra. Hence, remarks were sought from

G.A.D. In this regard G.A.D. has opined that in Writ Petition No. 521 of 2008 filed by Rajeev Kumar Gupta and ors. Vs. Union of India, the Hon'ble Apex Court has passed Judgment on 30.06.2016 and directed the Government to extend three percent reservation to PWD in all IDENTIFIED POSTS in Group A and Group B, irrespective of the mode of filling up of such posts. However, the issue regarding reservation in promotion to the disabled person was subjudice before the Larger bench of the Hon'ble Supreme Court, as per the order dated 03.02.2017. State Government has been providing all facilities as per Central Government to differently abled employees. Central Government has not taken decision of reservation in group A and Group B to PWD. Therefore, decision of waiting for the finalization of policy of Central Government for reservation in group A and Group B to PWD has been taken by the State Government with sanction of Hon'ble Chief Minister.

I further humbly say that, as per the final decision of Hon'ble Supreme Court in Civil Appeal No. 1567 of 2017 filed by Siddaraju vs. The State of Karnataka dtd. 14.01.2020 Hon'ble Apex Court have taken positive stand for reservation in group A and Group B to PWD. In this regard in absence of any policy from Central Government remarks of Law and Judiciary Department of the State Government have been sought for policy decision from General Administration Department. And accordingly as per remarks Law and Judiciary Department a policy decision will be taken by General Administration Department of Government of Maharashtra. The copy Judgment dated 14.01.2020 passed by the Hon'ble Apex Court is annexed herewith and marked as ANNEXURE R-6.

(quoted from page no.89 to 91 of O.A.)

7. Surprisingly, though reply is filed on 27.2.2020, till date no decision is taken by the Respondents and matter is kept in cold storage. Indeed, in view of the mandate of Hon'ble Apex Court, the Respondents are under obligation to take decision immediately in the matter.

8. The Hon'ble Supreme Court has considered the provisions of the Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Note can be taken that the said Act has been replaced by Rights of Persons with Disabilities Act, 2016 which also reiterates the provision for reservation for persons with disability for not less than four percent.

9. In view of above, the Original Application can be disposed of with direction to the Respondent No.1 to take policy decision and formulate the policy for reservation for persons with disability which is already under consideration within a period of three months from today.

10. Thereafter, the Applicant's case be considered in terms of policy decision and further order of his promotion be issued in accordance with law within next three months.

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O.A.No.1023/2019

11. In view of above directions, the Original Application is disposed of with no order as to costs.

MEMBER (J)

SAS ORAL ORDERS 17.02.2021

M.A. No. 309/2020 in O.A. No. 431/2020
(Sujit D. Borkar Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Counsel for the applicant in the present M.A., Shri Ajay Deshpande, learned Advocate of respondent No. 1 in the present M.A. / applicant in O.A. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 2 & 3 / respondent Nos. 1 & 2 in the O.A. and Shri Vivek Kabade, learned Advocate for respondent Nos. 4 to 6 in the present M.A. / respondent Nos. 3 to 5 in O.A.

2. The present M.A. is filed by the intervenor Shri Sujit D. Borkar raising grievance for not getting promotion of Under Secretary (Legal) on the establishment of respondent No. 3 despite his representation dated 18.06.2020.

3. On perusal of O.A., it reveals that this Tribunal by order dated 14.12.2020 has given direction to the respondent No. 2 to decide the representations of the original applicant within a period of two weeks. Learned Advocate for intervenor, as well as, learned Advocate for applicant in O.A. submits that representation is

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M.A. 309/2020 in
O.A. 431/2020

accordingly decided, but their grievances are not redressed fully. Intervenor Shri Sujit D. Borkar is already added as respondent No. 6 in the O.A.

4. In view of the above, the respondent No. 2 is directed to consider the representation dated 18.06.2020 made by intervenor viz. Shri Sujit D. Borkar and to pass appropriate order in accordance with law within a period of one month.

5. S.O. to 17.03.2021.

MEMBER (J)

M.A. No. 328/2020 in O.A. St. No. 1381/2020
(Smita K. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (J)

O.A. St. No. 1381/2020

(Smita K. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 26.03.2021.

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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O.A. St. 1381/2020

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. S.O. to 26.03.2021.

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

MEMBER (J)

M.A. No. 334/2020 in O.A. No. 894/2019
(Suman B. Wavdhane Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri G.L. Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Today, learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 in M.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 26.03.2021.

MEMBER (J)

**M.A. 336/2020 with M.A. St. 1432/2020 in O.A. St. 1208/2020
(Groundwater Engineers' Association & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Shri A.P. Kurhekar, Member (J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16.03.2021.

MEMBER (J)

M.A. St. No. 393/2020 in O.A. No. 297/2013
(Prakash B. Joshi Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

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

DATE : 17.02.2021

ORAL ORDER :

Shri H.K. Munde, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 26.03.2021.

MEMBER (J)

M.A. St. No. 291/2020 in O.A. No. 493/2018
(Rajendra K. Shimpi Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding
for Shri H.A. Joshi, learned Advocate for the applicant and
Smt. M.S. Patni, learned Presenting Officer for the
respondents.

2. At the request of learned Advocate for the applicant,
S.O. to 18.03.2021.

MEMBER (J)

M.A. No. 29/2020 in O.A. St. No. 2219/2019
(Sharad D. Kendre & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. This is an application is filed by the applicants for condonation of delay of 6 months and 29 days caused in filing the accompanying O.A., wherein the applicants have challenged the recruitment rules for the post of Staff Nurse framed in the year 2015. The advertisement published on 22.02.2019. The applicants have applied for the post of Staff Nurse in pursuance of the advertisement, but their grievances in the O.A. are discrimination and illegality in the recruitment rules.

3. No affidavit in reply is filed by the respondents in M.A. for condonation of delay.

4. Learned Presenting Officer has submitted that it may be considered.

//2// M.A. 29/2020 in
O.A. St. 2219/2019

5. Since the O.A. has been filed by the applicants challenging the recruitment Rules, I am inclined to condone the delay of 6 months and 29 days caused in filing accompanying O.A. so that the O.A. can be decided on merit. There is no such negligence on the part of the applicants to reject their request for condonation of delay.

6. In view of the above, the M.A. is allowed and delay of six months and 29 days caused in filing accompanying O.A. is condoned. There shall be no order as to costs.

MEMBER (J)

O.A. St. No. 2219/2019

(Sharad D. Kendre & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

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

DATE : 17.02.2021

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The applicants have graduated from private nursing colleges and claim to be eligible for the post of Staff Nurse. They have applied for Staff Nurse in pursuance of the Advertisement issued by the respondent No. 3 on 22.02.2019. This advertisement has been issued in terms of Recruitment Rules of 2015 viz. Staff Nurse, Maharashtra Nursing Services, Group-C (Recruitment) Rules, 2015. The applicants have challenged the legality of Rule 4 of the said rules in the present O.A. Rule 4 of Recruitment Rules, 2015 is as under :-

“4. Appointment to the post mentioned in rule 3 shall be made from amongst the candidates who,-

(i) has passed from the private Nursing school;

and

(ii) has passed from Government nursing school of Directorate of Health Services and Directorate of Medical Education and Research in the ratio of 50:50.

3. Learned Advocate for the applicants submits that since the applicants have passed from private nursing colleges, number of eligible candidates for the post of Staff Nurse would be far more and greater as compared to the eligible candidates passed from Government Nursing Colleges/ Institutions. There will be no fair competition. Thus according to him rule 4 is unconstitutional.
4. Learned Advocate for the applicants has further submitted that now the examination is scheduled on 28.02.2021 and therefore, they seek interim relief to grant stay to the recruitment process, which is undertaken in pursuance of the said recruitment Rules. According to him, the applicants will suffer irreparable loss as chances of their success in view of the alleged illegality in Rules is less.
5. Per contra, learned P.O. opposed grant interim relief and contended that so long recruitment Rules are legal and valid and are not set aside by the Tribunal or by any competent forum, recruitment process cannot be stayed.
6. True, there can be more number of candidates eligible for the post of Staff Nurse, who are passed from the private nursing colleges as compared to the candidates who

are passed and eligible for the post of Staff Nurse since number of Government Nursing Colleges are very few as compared to private nursing colleges. However, once Rules are framed under Article 309 of the Constitution of India whereby ratio of 50:50 is provided for the candidates passed from private nursing colleges and candidates passed from Government nursing colleges/ institutions it has to be followed unless quashed.

7. Indeed, the applicants participated in the process knowing fully well the ratio mentioned in the Rules, as well as, in the advertisement and therefore, at this stage, they can't be allowed to question illegality of Rules so as to claim interim relief.

8. To grant such relief by way of interim relief would amount to grant final relief, which is not permissible in law. So long as illegality of recruitment rules of Rules 2015 is not decided or quashed, recruitment must be allowed to be continued on the basis of Rules duly framed under Article 309 of the Constitution of India. If stay is granted entire process will be held up.

9. In view of the above, I am not inclined to grant interim relief at this stage as prayed for by the applicant. Hence, prayer for grant of interim relief is hereby rejected.

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O.A. St. 2219/2019

10. Issue notices to the respondents, returnable on 24.03.2021.

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

12. 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.

13. 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.

14. 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.

15. S.O. to 24.03.2021.

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

MEMBER (J)

M.A. No. 47/2019 in O.A. No. 387/2016
(Dr. Nomani Muhammed Mufti Taher Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate holding for Smt. Vinaya Muley-Dharurkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16.03.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 332 OF 2020
(Sunil Pandurang Ghongade Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Today, Shri Ajay Deshpande, submits that he is under instruction to appear for the respondent No. 3.

3. In the present O.A., the applicant has challenged his transfer from the post of District Superintendent, Land Records, Jalgaon to the post of District Superintendent, Land Records, Yavatmal by the order dated 10.08.2020. His only grievance is that he was not given choice posting, though he worked in tribal area and his choice ought to have been considered in view of the G.R. dated 06.08.2002 and Circular dated 11.07.2000, as well as, latest G.R. dated 09.04.2018, which *inter-alia* provides for consideration of options of the employees who have worked in difficult/Adivasi area.

4. Learned Advocate for the applicant has submitted that his client has made representation on 24.01.2021 and therefore, necessary directions be given to the respondent Nos. 1 and 2 to consider the same and to dispose of the

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O.A. No. 332/2020

present O.A. His submissions are reasonable and acceptable.

5. In view of the above, the O.A. is disposed of with a direction to the respondent Nos. 1 and 2 to consider the representation made by the applicant on 24.01.2021 without disturbing the respondent No. 3 in terms of relevant G.Rs. and to pass appropriate order at the time of ensuing General Transfers of the year 2021. The decision as the case may be shall be communicated to the applicant. There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 542 OF 2020
(Rajaram S. Shendge Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof has been served on the other side.
3. S.O. to 26.03.2021 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 563 OF 2020
(Rajendra V. Marale Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. In the present O.A., the applicant has challenged the suspension order dated 29.07.2020, whereby he has been suspended invoking the provisions of Rule 4 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. The period of 8-9 months is over, but no charge sheet is served. Thus, apparently, it appears that the applicant is subjected to prolong suspension.

3. However, at the request of learned P.O., two weeks' time is granted to file affidavit in reply.

4. Learned P.O. is also directed to apprise the Tribunal as to why the applicant is subjected to prolong suspension without initiating D.E. against him and why review of suspension is not taken in terms of settled legal position.

5. S.O. to 10.03.2021.

MEMBER (J)

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

CORAM : Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

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

2. On perusal of record, it reveals that the Tribunal has granted interim relief till filing of affidavit in reply by the order dated 30.12.2020. The respondent Nos. 1 to 3 have filed affidavit in reply.

3. In view of the above, interim relief is continue till next date.

4. The applicant has raised grievance of nonpayment of salary.

5. The respondents are directed to consider the issue of salary and if there is no justifiable reason to withheld salary, it should be paid.

6. S.O. to 18.03.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 15 OF 2021
(Satyanarayan L. Vaishnav Vs. State of Maharashtra & Ors.)

CORAM : Shri A.P. Kurhekar, Member (J)

DATE : 17.02.2021

ORAL ORDER :

Heard Shri Hemant Surve, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. In the present O.A., the applicant has challenged the suspension order dated 25.11.2020, whereby he has been suspended in view of registration of crime under Section 324, 336, 323, 504, 506 & 34 of the Constitution of India against him.

3. At the request of learned P.O., two weeks' time is granted for filing affidavit in reply.

4. S.O. to 18.03.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1102/2019
(Rajendra L. Patil & Ors. Vs. State of Maharashtra &
Ors.)**

CORAM : SHRI A.P. KURHEKAR, MEMBER (J)

DATE : 17.2.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3, Shri V.G. Pingle, learned Advocate for respondent Nos. 4 to 6 and Shri S.D. Joshi, learned Advocate for respondent Nos. 8 & 9. None appears for respondent No. 7.

2. At the request of learned Presenting Officer, S.O. to 18.2.2021 for enabling him to take instructions from the respondent Nos. 1 to 3.

MEMBER (J)

**ORIGINAL APPLICATION NO. 303/2020
(Sanjay D. Dongaonkar Vs. State of Maharashtra & Ors.)**

CORAM : SHRI A.P. KURHEKAR, MEMBER (J)

DATE : 17.2.2021

ORAL ORDER :

Heard Shri P.N. Sonpethkar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. In the present Original Application the applicant has raised the grievance of withholding pension and other pensionary benefits though he stand retired on 18th December, 2018.

3. Perusal of record it reveals that the applicant stands retired from the post of Executive Engineer, Soil Conservation Department, Jalna on 18th December, 2018 and despite representation except provisional pension no retiral benefits are paid to the applicant. It appears that one Crime No. 59/2015 U/Sec. 420, 468, 471, 34 of IPC and under the provisions of Prevention of Corruption Act offence was registered at Police Station, Ambad against Shri Hasan Rahemtulla Khan, Section Engineer, Shri Padmakar Dabhadkar, Sub Divisional Engineer and Shri Sandip Deshmukh, Junior Engineer. The applicant apprehends that he would be arrested in the said crime and therefore secured anticipatory bail from the learned Session Court on 17.08.2018. There is observation in the bail order that

:: - 2 - ::
O. A. NO. 303/2020

prima facie nothing was on record to show involvement of the applicant in the said conspiracy of misappropriation of Government money.

4. Learned Advocate for the applicant has made a categorical statement that after securing anticipatory bail he has not at all summonsed by the Police nor Departmental Enquiry is initiated against him. If this is so the question arises as to why retiral benefits of the applicant are withheld. Needless to mention that gratuity and pension is not bounty and it requires to be paid immediately after retirement.

5. In view of the above, learned Presenting Officer for the respondents is directed to take instructions and make submissions before the Tribunal tomorrow as to why pensionary benefits of the applicant are withheld.

6. S.O. to 18.02.2021.

7. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

DATE : 17.02.2021

ORIGINAL APPLICATION NO. 98 OF 2021

(Bhagwat B. Deshmukh Vs. The State of Maharashtra &Ors.)

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

1. Shri V.D. Godbharle, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 26.03.2021. The case be listed for admission hearing on 26.03.2021.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 17.02.2021

ORIGINAL APPLICATION NO.100/2021

(Manisha Gite V/s State of Maharashtra & Ors.)

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

1. Shri Dhananjay Mane ld. Advocate for the applicant and Shri V.R.Bhumkar ld. PO for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 26.03.2021. The case be listed for admission hearing on 26.03.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

17.02.2021/yuk registrar notice/

DATE : 17.02.2021

ORIGINAL APPLICATION NO. 97 OF 2021

(Shahaji W. Surwase Vs. The State of Maharashtra &Ors.)

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

1. Shri V.D. Godbharle, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 26.03.2021. The case be listed for admission hearing on 26.03.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 17.02.2021

M.A.NO. 48/2021 IN O.A.ST.NO.

175/2021

**(Chandu G. Waghmare V/s State of Mah.
& Ors.)**

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

1. Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondent in M.A. No. 48/2021, returnable on 30.03.2021. The case be listed for admission hearing on 30.03.2021.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 17.02.2021

**ORIGINAL APPLICATION NO. 101 OF
2021**

**(Dhansing B. Chavan V/s State of Mah. &
Ors.)**

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

1. Shri Suresh D. Dhongde, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 30.03.2021. The case be listed for admission hearing on 30.03.2021.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 17.02.2021
ORIGINAL APPLICATION NO. 102 OF
2021
(Sangram U. Rathod V/s State of Mah. &
Ors.)

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

1. Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 30.03.2021. The case be listed for admission hearing on 30.03.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR