

**M.A. No. 32/2021 in O.A. St. No. 138/2021
(Gopal D. Ghuge Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.07.2021

ORAL ORDER :

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

2. Issue notice to the respondents in M.A., returnable on 02.08.2021.

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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M.A. 32/2021 in
O.A. St. 138/2021

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 02.08.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

**M.A. 33/2021 in M.A. 169/2021 in O.A. St. 141/2021
(Anil J. Kande & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.07.2021

ORAL ORDER :

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

2. The applicants are residing at Beed and Thane respectively. They appeared for examination for the post of Tax Assistant, held by the M.P.S.C. (Respondent No. 3). The M.P.S.C. (Respondent No. 3) has prepared select list, as well as, waiting list. Names of the applicants however, do not appear in either of the list. It is the contentions of the applicants that they are entitled for inclusion of their names on the basis of marks secured by them. In view of the same, the applicants are claiming same benefits from the same departments. Considering the facts as discussed above, in our opinion, this is a fit case to grant permission to the applicants to sue the respondents jointly, in order to avoid multiplicity of proceedings.

//2// M.A. 33/21 in M.A.
169/21 in O.A. St. 141/21

3. The applicant No. 2 is not residing within the jurisdiction of this Tribunal. However, the advertisement was issued for the post of Tax Assistants and upon selection they can be appointed anywhere in State of Maharashtra. In view of the same, even O.A. made by the applicant No. 2 to this Tribunal can be entertained.

4. In the result, the M.A. is allowed. The applicants are permitted to sue the respondents jointly, subject to payment of requisite Court fee stamps, if not paid. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

**M.A. No. 169/2021 in O.A. St. No. 141/2021
(Anil J. Kande & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.07.2021

ORAL ORDER :

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

2. Issue notice to the respondents in M.A., returnable on 02.08.2021.

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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M.A. 169/2021 in
O.A. St. 141/2021

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 02.08.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 307 OF 2021
(Vaishali K. Korde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.07.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 29.07.2021.

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. 307/2021

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 29.07.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 308 OF 2021
(Nita B. Magare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

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

2. In the present Original Application, the applicant has taken exception to seniority list dated 24.06.2021, wherein the applicant is shown at Sr. No. 43 by taking into consideration the date of regularization of 29.04.2002 and not her date of appointment of 19.01.1999. The applicant states that except Latur region, all other regions have fixed the regularization from date of appointment and therefore, finally in the seniority list though the applicant is senior, junior staff have been kept above her thereby causing injustice to her.

3. Learned Advocate for the applicant for that purpose pointed out the regularization orders from other regions, which are at paper book page Nos. 32 to 36 onwards. He has also submitted that after provisional seniority list objection was raised by the union of staff nurses by making

written representation dated 15.03.2021, Annexure A-13 at paper book page No. 126.

4. Learned Presenting Officer objected for grant of interim stay stating that the impugned order of seniority is issued in pursuant to the outcome of seeking previous litigation before the Hon'ble High Court and Hon'ble Supreme Court and other circumstances.

5. Learned Advocate for the applicant submits that the said litigation was pertaining to reservation in promotion.

6. After going through the relevant record and more particularly regularization order of the applicant dated 01.06.2002, Annexure A-3 at paper book page No. 28 and other regularization orders from other regions, which are at paper book page Nos. 32 to 36, we find that in those regions reference of meeting of selection committee has been given in the regularization orders. In the circumstances, we would like to know rules and regulations governing preparation of those seniority lists.

7. At this stage, either learned Advocate for the applicant or learned Presenting Officer have not been able to point out any specific rules governing the date of regularization.

8. In view of above, we are of the considered opinion that stay to the seniority list will have long standing *pros and cons* and we order, ad interim relief of fate of the seniority list will be subject to outcome of the present O.A. That would suffice the purpose

9. Issue notice to the respondents, returnable on 15.07.2021.

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

11. 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.

12. 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.

13. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the

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O.A. 308/2021

Registry before due date. Applicant is directed to file affidavit of compliance and notice.

14. S.O. to 15.07.2021.

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

9. The present matter is placed on separate board.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 01.07.2021

C.P. No. 10/2021 in O.A. No. 763/2019
(Gangadhar A. Kakade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 08.07.2021.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 01.07.2021

ORIGINAL APPLICATION NO. 614 OF 2018
(Dr. Minakshi B. Pathak Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3. Shri Rahul Pawar, learned Advocate for respondent Nos. 4 & 5, **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 23.07.2021.

MEMBER (A)

MEMBER (J)

**Review 7/19 in M.A. 530/2019 in O.A. St. 2098/2019
(Bharat G. Raut Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.07.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 30.07.2021 for filing affidavit in reply.

3. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 685 OF 2019
(Shivaji R. Thakare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.07.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply on behalf of respondent No. 3 is filed.

3. Considering the nature of proceedings, the present matter is fixed for hearing at the stage of admission on 05.08.2021. Interim relief granted earlier to continue till next date.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 722 OF 2019
(Gajanan B. Bansode & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay 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 respondent No. 4 and Shri A.S. Deshmukh, learned Advocate for respondent Nos. 5 & 6.

2. As per order dated 28.06.2021 learned C.P.O. was directed to furnish the correct emails of remaining 100 un-served respondents.

3. Today, learned C.P.O. submits that now the Government has obtained correct email addresses of those remaining 100 un-served respondents.

4. Learned Advocate for the applicant received copy of the same.

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O.A. No. 722/2019

5. Learned C.P.O. is directed to complete the service of those remaining 100 un-served respondents.

6. At this stage, learned Advocate Shri A.S. Deshmukh, has filed Vakilpatra on behalf of respondent Nos. 71, 87, 150, 198, 211, 229, 369,489, 511, 528, 625, 628 & 629. Same is taken on record.

7. Learned Advocate Shri G.K. Kshirsagar, has filed three Vakilpatra on behalf of respondent Nos. 221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627. Same are taken on record.

8. Learned C.P.O. seeks time for filing affidavit in reply. Time granted.

9. S.O. to 09.07.2021

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 01.07.2021

**ORIGINAL APPLICATION NO.282/2019
(Deorao Kale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri S.D.Munde learned Advocate holding for Shri H.P.Jadhav, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30.07.2021.

MEMBER (A)

YUK ORAL ORDERS 01.07.2021

ORIGINAL APPLICATION NO.23/2020
(Arvind P. Awad & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri S.D.Munde learned Advocate holding for Shri H.P.Jadhav, learned Advocate for the applicants and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30.07.2021.

MEMBER (A)

ORIGINAL APPLICATION NO.229/2020
(Dr. Manik Sangle Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri V.B.Wagh, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. Shri V.B.Wagh learned Advocate for the applicant files affidavit in rejoinder on behalf of the applicant. It is taken on record. Copy thereof has been served on the other side.

3. Learned P.O. has not opted for filing sur-rejoinder at this stage. As the pleadings are complete, parties have agreed for final hearing of the matter,

4. S.O. to 30.07.2021 for final hearing and filing of sur-rejoinder, if any.

MEMBER (A)

ORIGINAL APPLICATION NO.179/2021
(Ujwala Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri V.G.Pingle, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents.

2. Learned P.O. states that he will file affidavit in reply on behalf of respondent no.2 during the course of the day. He also undertakes to serve copy of the same on the other side.

3. Learned Advocate for the applicant files on record copies of letters dated 28-06-2021 & 13-04-2021. Those are marked as document-X and X-1, respectively.

4. S.O. to 09.07.2021.

MEMBER (A)

ORIGINAL APPLICATION NO.766/2016
(Rambhau T. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri A.D.Sugdare, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent nos.1 & 4. Shri S.D.Dhongde learned Advocate for the respondent nos.2 and 3 is **absent**.

2. Learned Advocate for the applicant submits copy of judgment in O.A.No.536/2018 to 540/2018 with O.A.No.775/2018 to 777/2018 & O.A.No.1084/2018 dated 10-10-2019. It is taken on record. Copy thereof has been served on the other side. He also files copy of judgment dated 08-02-2021 passed in a group of Review Applications No.21/2019 & Ors. It is also taken on record. Copy served on the other side.

3. Learned Advocate for the applicant also suggests that original service book may be required to be presented and some manipulation/missing pages are apprehended. Concerned respondent is directed to place the original service book on the next date.

4. S.O. to 30.07.2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.361/2018
(Anil Tornekar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri A.D.Sugdare, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant points out that identical cases i.e. O.A.No.358/2018 to 360/2018 had been tagged with this case on 10-04-2019, therefore, those cases can be heard together. Hence, the O.A.No.358/2018 to 360/2018 be tagged together with this O.A.No.361/2018 and be placed for final hearing.

3. S.O. to 30.07.2021.

MEMBER (A)

ORIGINAL APPLICATION NO.89/2019
(Rajendra Jehurkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri S.D.Joshi, learned Advocate for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent nos.1 to 3 and Shri V.B.Wagh learned Advocate for respondent no.4.

2. Learned P.O. files copy of representation dated 24-08-2020 made by the applicant for request transfer. It is taken on record. Copy thereof has been served on the other side.

3. Learned Advocate for the applicant prays for production of concerned record for smooth adjudication of the matter. Prayer granted.

4. Concerned respondent shall produce the record on the next date.

5. By consent of the parties S.O. to 08.07.2021 for final hearing.

MEMBER (A)

ORIGINAL APPLICATION NO.727 OF 2019
(Shri Madhav V. Birajdar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

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

2. Record shows that the pleadings are complete. The matter is relating to promotion.
3. In view of the said, the matter is fixed for hearing at the stage of admission.
4. Interim relief granted earlier to continue till next date.
5. S.O. to 30.07.2021.

MEMBER (A)

MEMBER (J)

C.P.NO.02/2020 IN O.A.NO.10/2019
(Shridevi M. Mahanwar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate holding for Shri H.P. Jadhav, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 29.07.2021.

MEMBER (A)

MEMBER (J)

C.P.NO.10/2020 IN O.A.NO.913/2017
(Shri Dilipkumar R. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

None present on behalf of the Applicant.

Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of the Respondent No.1 is taken on record along with spare copy.

3. Learned P.O. for the Respondents submits that the order in question is complied with and as such at this stage, reply from Respondent No.2 is not necessary.

4. S.O. to 03.08.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 01.07.2021-SAS

C.P.NO.28/2020 IN O.A.NO.113/2019
(Shri Bhagwat T. Kadam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Record shows that affidavit-in-reply is filed on behalf of the Respondent No.1.

3. Learned P.O. for the Respondents submits that the order in question is complied with to which learned Advocate for the Applicant desires.

4. At the request of the learned Advocate for the Applicant, S.O. to 26.07.2021 for filing affidavit-in-rejoinder.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.204 OF 2021
(Shri Ganesh G. Jaybhaye & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of the Respondent Nos.1 to 3 is taken on record.
3. Learned Advocate for the Applicant submits that he does not want to file affidavit-in-rejoinder.
4. Considering the facts and circumstances, the case is fixed for hearing at the stage of admission on 29.07.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.208 OF 2021
(Shri Dnyaneshwar B. Biradar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

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

2. Learned C.P.O. for the Respondents seeks time for filing affidavit-in-reply stating that similar nature litigations are pending and decision yet to be taken.

3. Learned Advocate for the Applicant objects for grant of time.

4. In view of above, in the interest of justice, time granted.

5. The present matter be placed on separate board.

6. S.O. to 29.07.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.219 OF 2021
(Shri Manoj S. Belkhede Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent No.1 to 4.

2. Service affidavit in respect of Respondent No.5 filed by learned Advocate for the Applicant is taken on record.
3. None present on behalf of the Respondent No.5.
4. At the request of the learned P.O. for the Respondents, time is granted for filing affidavit-in-reply.
5. The present matter be placed on separate board
6. S.O. to 26.07.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.231 OF 2021
(Shri Sushilkumar B. Jadhav & Ors. Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned P.O. for the Respondents seeks time for filing affidavit-in-reply on behalf of the Respondents. Time granted.
3. The present matter be placed on separate board
4. S.O. to 26.07.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.259 OF 2021
(Megharani P. Tarkase & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Service affidavit in respect of Respondent Nos.1 to 3 filed by the learned Advocate for the Applicants is taken on record.
3. At the request of the learned P.O. for the Respondents, time is granted for filing affidavit-in-reply.
4. The present matter be placed on separate board.
5. S.O. to 02.08.2021.

MEMBER (A)

MEMBER (J)

**O.A.NO.368 OF 2017 WITH O.A.NO.369/2017
(Shri Bapu R. Lad & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.07.2021

ORAL ORDER :

Heard Shri S.A. Deshmukh, learned Advocate for the applicants in both the O.As. and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents in both the O.As.

2. Written synopsis filed by learned Advocate for the Applicants is taken on record.
3. By consent adjourned to 03.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.297 OF 2018
(Shri Ajay R. Umale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 01.07.2021

ORAL ORDER :

Heard Shri Vijay V. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. By consent adjourned to 04.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.870 OF 2019
(Dr. Devrao S. Dakhure Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 01.07.2021

ORAL ORDER :

Heard Shri Sujeet D. Joshi, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By consent adjourned to 04.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 146/2021
(Chandrashekar S. Kulthe Vs. State of Maharashtra & Ors.)

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

DATE : 1.7.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed rejoinder affidavit of the applicant. It is taken on record and copy thereof has been supplied to other Side.

3. In the circumstances, the matter is fixed for admission hearing on 20.7.2021.

MEMBER (J)

M.A. 173/2021 IN O.A. ST. 676/2021
(Govind A. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 1.7.2021

ORAL ORDER :

Heard Ms. Pradnya Talekar, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The applicants are challenging the order of recovery as excess pay and allowances paid to them, from their gratuity and other retiral benefits, passed by the respondent no. 5. They are also seeking directions against the respondents to refund the excess amount recovered from them and to grant pension on the basis of last drawn pay which they were availing at the time of retirement. It is the contention of the applicants that they all are similarly situated aggrieved parties as they have one and the same cause of action and therefore they seek the same remedy.

3. Perusal of accompanying O.A., relief sought by the applicants therein and the documents annexed thereto would fortify the contention of the applicants to sue the respondents sue jointly.

3. In the circumstances, the present M.A. is allowed. The applicants are allowed to sue the respondents jointly. There shall be no order as to costs.

4. Office to register the accompanying O.A. on due scrutiny.

MEMBER (J)

O.A. ST. 676/2021

(Govind A. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 1.7.2021

ORAL ORDER :

Heard Ms. Pradnya Talekar, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 29.7.2021.

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

7. S.O. to 29.7.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 306/2021
(Suwarna S. Bedre Vs. State of Maharashtra & Ors.)

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

DATE : 1.7.2021

ORAL ORDER :

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

2. This O.A. is filed by the applicant seeking relief of considering her case for posting on promotion to the post of Metron in accordance with her seniority (under seniority list dated 7.4.2021) and in accordance with the option exercised by her. The applicant prays for interim relief for considering her representation dated 9.6.2021.

3. The order of promotion of the applicant is dated 4.6.2021 (Annex. A-1 page 11 of paper book). The applicant is at sr. no. 13 therein. The applicant gave options of Beed, Aurangabad and Osmanabad (Annex. A-5 page 23 of paper book). The applicant, however, has been posted on promotion at Civil Hospital, Hingoli. It is the contention of the applicant that the place of posting at Hingoli is inconvenient for her and she is facing hardship there. The applicant preferred representation dated 9.6.2021 (Annex. A-8 page 32 of paper book). The applicant has not been communicated anything regarding the said representation. She, therefore, prays for grant of

interim relief for issuance of directions to the respondents to decide her representation dated 9.6.2021. It is her contention that she has not yet been relieved from the present post of Tutor, Nursing College, Civil Hospital, Beed.

4. Learned P.O. seeks time for filing affidavit in reply of the respondents.

5. Considering the facts as narrated above and when the applicant is not relieved from the present post, it would be just and proper to grant ad-interim relief in terms of prayer clause 9(a) of the O.A. Accordingly ad interim relief in terms of prayer clause 9(a) of O.A. is granted. The respondents to decide the representation of the applicant dated 9.6.2021 within a period of 15 days and communicate the result thereof to the applicant in writing immediately.

6. Issue notice to the respondents, returnable on 30.7.2021.

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

8. 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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ORIGINAL APPLICATION NO. 306/2021

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

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

10. 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.

11. S.O. to 30.7.2021.

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

MEMBER (J)

O.A. NO. 598/2019 WITH CAVEAT 56 TO 60/2019
(Dr. Madhav M. Lokade Vs. State of Maharashtra & Ors.)

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

DATE : 1.7.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 & 2. Shri R.K. Ingole, learned Advocate for respondent nos. 3 & 4 (**absent**).

2. The present O.A. is filed challenging the impugned order dated 4.7.2019 issued by the respondent no. 1 thereby transferring the applicant from the post of L.D.O. (Extension), Panchayat Samiti, Hadgaon, Dist. Nanded to the post of L.D.O., District Artificial Insemination Centre, Osmanabad. By order dated 8.7.2019 the execution and implementation of the impugned transfer order was stayed by the Tribunal and the said interim relief is continued till.

3. Learned P.O. today placed on record copy of the revised transfer order of the applicant dated 7.8.2020 issued by the Government whereby the applicant has been reposted at the place on which he was working before issuance of the impugned transfer order dated 4.7.2019. Both the orders placed on record by the learned P.O. are taken on record and marked as document 'X' collectively for the purpose of identification.

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**O.A. NO. 598/2019 WITH
CAVEAT 56 TO 60/2019**

4. In view of above, the grievance of the applicant said to have been satisfied and nothing remained to be decided in the present O.A.

5. In the above circumstances, the present O.A. stands disposed of as the grievance of the applicant is redressed and nothing remained therein to be decided. There shall be no order as to costs.

MEMBER (J)

**O.A. NO. 628/2019 WITH CAVEAT 56 TO 60/2019
(Dr. Shirish S. Galakatu Vs. State of Maharashtra & Ors.)**

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

DATE : 1.7.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. In the present O.A. the midterm transfer order dated 4.7.2019 is challenged by the applicant. By the said order the applicant was transferred from the post of L.D.O., Veterinary Dispensary, Grade-1, Kupta, Tq. Selu, Dist. Parbhani to the post of L.D.O., Veterinary Dispensary, Grade-1, Uswad, Tq. Mantha, Dist. Jalna. The said impugned order of transfer was stayed by this Tribunal vide order dated 12.7.2019 and the said stay was continued till today.

3. Learned P.O. today placed on record copy of the order dated 24.8.2020 issued by the Government thereby now transferring the applicant to the post of L.D.O., Veterinary Dispensary, Grade-1, Kupta, Tq. Selu, Dist. Parbhani. Learned P.O. also placed on record the joining report of the applicant dated 25.8.2020. The said documents are taken on record and marked as document "X" for the purpose of identification.

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**O.A. NO. 628/2019 WITH
CAVEAT 56 TO 60/2019**

4. In view of above, the grievance of the applicant regarding the impugned transfer order dated 4.7.2019 is said to have been satisfied and nothing remained to be decided in the present O.A.

5. In the above circumstances, the present O.A. stands disposed of as the grievance of the applicant is redressed and nothing remained therein to be decided. There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 716/2019
(Bhaskar R. Rengade Vs. State of Maharashtra & Ors.)

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

DATE : 1.7.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent No. 1. Shri A.D. Aghav, learned Advocate for respondent No. 2 (**absent**).

2. Learned Advocate for the applicant has invited my attention to the order dtd. 10.6.2021 passed by this Tribunal whereby the respondent No. 1 was directed to take into consideration the statement made by the applicant that he is ready to go anywhere out of the options given by him on transfer.

3. Learned P.O. seeks time for taking instructions from the concerned respondents and make his submissions on the above lines, on the next date.

4. In the circumstances, S.O. to 26.7.2021. The interim relief granted earlier to continue till then.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 764/2018
(Prashant B. Kachawa Vs. State of Maharashtra & Ors.)

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

DATE : 1.7.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that by the order dtd. 8.10.2018 an interim stay to the impugned transfer order dtd. 21.8.2018 was granted by this Tribunal and notices were issued to the respondents. The respondents have filed their reply in the present case and the applicant also filed rejoinder thereto. Thereafter the present matter is admitted by the Tribunal and is kept for final hearing. The interim stay granted by the order dtd. 8.10.2018 was continued from time to time.

3. Learned Advocate for the applicant at this stage submitted that by the order dtd. 30.6.2021 issued by the Government now the applicant has been repatriated to his parent department of res. no. 1. He submits that the said transfer order dtd. 30.6.2021 has been passed despite the execution and implementation of the earlier impugned transfer order dd. 21.8.2018 is stayed by this Tribunal vide order dtd. 8.10.2018. He further submits that the applicant has not been relieved from his present post till this time.

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ORIGINAL APPLICATION NO. 764/2018

4. Learned C.P.O. submits that he has to seek instructions from the respondents. He made attempt to telephonically contact the concerned respondents, however, he is unable to contact the concerned respondents and seek instructions as regards the latest transfer order of the applicant dtd. 30.6.2021, whereby he has been repatriated to his parent department.

5. In view of above position, the status quo as on today i.e. till 2.00 p.m. of 1.7.2021 be maintained by the respondents till 8.7.2021.

6. S.O. to 8.7.2021 for taking instructions by the learned C.P.O. on the above line.

MEMBER (J)

ORIGINAL APPLICATION NO. 447/2020
(Vaishali V. Hinge Vs. State of Maharashtra & Ors.)

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

DATE : 1.7.2021

ORAL ORDER :

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

2. Learned C.P.O. submits that he has received the concerned original record and he would retain the same till next date.

3. In the above circumstances, S.O. to 12.7.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 103/2021
(Dr. Harishchandra T. Kokani Vs. State of Maharashtra & Ors.)

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

DATE : 1.7.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2. None appears for respondent no. 3.

2. Record shows that the learned P.O. on last occasion has stated that reply would be filed today positively. However, today, learned C.P.O. seeks time to file reply of the respondents.

3. In the interest of justice, S.O. to 29.7.2021 for filing reply of the respondents.

MEMBER (J)

M.A. 130/2019 IN O.A. ST. 594/2019
(Satish A. Trimukhe Vs. State of Maharashtra & Ors.)

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

DATE : 1.7.2021

ORAL ORDER :

Heard Shri V.V. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, at length.

2. Matter is closed for final order.

MEMBER (J)

M.A. 218/2020 IN O.A. ST. 456/2020
(Ashok B. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 1.7.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of learned P.O., S.O. to 23.7.2021 for filing affidavit in reply of the respondent in M.A.

MEMBER (J)

Date :01.07.2021

ORIGINAL APPLICATION NO.303/2021

(Shri Rajendrakumar G. Baviskar V/s The State of Maharashtra & Ors.)

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

1. Shri V.B. Wagh, Id. Advocate for the applicant and Shri M.S. Mahajan, Id. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 09.08.2021. The case be listed for admission hearing on 09.08.2021.
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 :01.07.2021

ORIGINAL APPLICATION NO.199/2021

(Shri Ravindra Narayan Kshirsagar V/s The State of Maharashtra & Ors.)

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

1. Shri G.J. Pahilwan, Id. Advocate for the applicant and Shri M.S. Mahajan, Id. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 04.08.2021. The case be listed for admission hearing on 04.08.2021.
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 :01.07.2021

ORIGINAL APPLICATION NO.311/2021

(Shaikh Irfan Shaikh Zakir V/s The State of Maharashtra & Ors.)

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

1. Smt. Suchita Dhongde, ld. Advocate for the applicant and Shri M.S. Mahajan, ld. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 03.08.2021. The case be listed for admission hearing on 03.08.2021.
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 : 01.07.2021

O.A. 309/2021

(Dinesh R. Jadhav V/s State of Maharashtra & Ors.)

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

1. Shri Pramod D. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 29.7.2021. The case be listed for admission hearing on 29.7.2021.
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 : 01.07.2021
O.A. 302/2021
(Hitendra P. Chaudhari V/s State of
Maharashtra & Ors.)

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

1. Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 9.8.2021. The case be listed for admission hearing on 9.8.2021.
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 : 01.07.2021

M.A. 174/2021 IN O.A. ST. 722/2021

(Avinash V. Solanke V/s State of Maharashtra & Ors.)

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

1. Shri Prafulla B. Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents in M.A., returnable on 3.8.2021. The case be listed for admission hearing on 3.8.2021.

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