

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH
AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -17/07/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Regular Admission Matters						
Due Admission Matters						
8	OA41/21	Beed	Adv.S.N. Pagare (Bharat B Sangle)	Time Bound Promotion/ ACPS	For Hearing Reply Filed by R-1 to R- 4	25.8.2023
9	OA70/21 with	Hingoli	Adv.V.G. Pingle (Vitthal R Thombre) <u>Adv.M.P. Gude for R.Nos.3 & 4</u>	Time Bound Promotion/ ACPS/ Pay Scale	For Hearing Reply Filed by R-1 to R- 4	25.8.2023
10	OA71/21	Hingoli	Adv.V.G. Pingle (Shridhar B Newale) <u>Adv.M.P. Gude for R.Nos.3 & 4</u>	Time Bound Promotion/ ACPS/ Pay Scale	For Hearing Reply Filed by R-1 to R- 4	
11	OA73/21	P'bhani	Adv.V.G. Pingle (Tukaram L Gavane) <u>Adv.S.B. Mene for R.Nos.2 & 3</u>	Time Bound Promotion/ ACPS/ Pay Scale	For Hearing	
12	OA74/21	P'bhani	Adv.V.G. Pingle (Panchfula N Chavan) <u>Adv.S.B. Mene for R.Nos.2 & 3</u>	Time Bound Promotion/ ACPS/ Pay Scale	For Hearing	
13	OA75/21	P'bhani	Adv.V.G. Pingle (Subhash S Raut) <u>Adv.S.B. Mene for R.Nos.2 & 3</u>	Time Bound Promotion/ ACPS/ Pay Scale	For Hearing	
14	OA76/21	P'bhani	Adv.V.G. Pingle (Sunita V Naladkar) <u>Adv.S.B. Patil for R.No.4</u>	Time Bound Promotion/ ACPS/ Pay Scale	For Hearing Reply Filed by R-2	

15	OA806/21	A'bad	Adv.V.G. Salgare (Pralhad S Sonune)	Gratuity	Reply Filed by R-3 to R-5	25.8.2023
16	OA10/22	Beed	Adv.Avinash D Aghav (Akash T Jadhav)	Compassionate Appointment		2.8.2023
17	OA756/22	Latur	Adv.Vinod D Godbharle (Jitendra V Kadam)	Duty Period/ Salary & Allowances	For Hearing Reply Filed by R-2 & R-3	24.8.2023
18	OA970/22	A'bad	Adv.N.P. Bangar (Raju P Korde) <u>Adv.S.B. Mene for R.Nos. 3 to 6</u>	Directions/ Compassionate Appointment	For Hearing	22.8.2023
Final Hearing Matters						
19	OA406/19	P'bhani	Adv.Girish Awale (Dayanand V Kadam)	Pension & Other Benefits	Reply Filed by R-1 to R-4	5.9.2023
20	OA488/19	J'gaon	Adv.Kunal A Kale (Shaikh Ajmal Shaikh Abdulla)	Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-2 to R-4	5.9.2023
21	OA103/21	N'bar	Adv.S.D. Joshi (Dr.Harishchandra T Kokani) <u>Adv.Rakesh N Jain for R.No.3</u>	Reinstatement (Suspension)	Reply Filed by R-1 to R-3	31.7.2023
22	OA175/21 With	A'bad	Adv.Kiran G Salunke (Ajay R More)	Posting	Reply Filed by R-1 & R-2	5.9.2023
23	OA689/21	A'bad	Adv.Kiran G Salunke (Ajay R More)	Posting	Reply Filed by R-2 & R-3	5.9.2023
24	OA200/21	A'nagar	Adv.Avinash S Khedkar (Sudhir L Borhade) <u>Adv.S.B. Patil for Nos.4 & 5</u>	Time Bound Promotion/ ACPS/ Fixed the Pay Scale	Further Consideration Reply Filed by R-1, R-3 to R-6	6.9.2023
25	OA238/21 with	Nanded	Adv.V.S. Kadam (Pandurang H Bhalerao & Ors.) <u>Adv.G.N. Patil for R.Nos.2 & 3</u>	Fix the Pay Scale Service Benefits as per G.R.	Reply Filed by R-1 to R-3	9.9.2023

26	OA239/21 with	Nanded	Adv.V.S. Kadam (Khanderao M Ajegaonkar & Ors.) <u>Adv.S.B. Mene for R.No.2 & 3</u>	Fix the Pay Scale Service & Monitory Benefits	Reply Filed by R-2 & R- 3	9.9.2023
27	OA240/21 with	Nanded	Adv.V.S. Kadam (RanjeetSingh B Rajput) <u>Adv.S.B. Mene for R.Nos.2 & 3</u>	Fix the Pay Scale Service & Monitory Benefits	Reply Filed by R-1 to R- 3	
28	OA241/21 with	Nanded	Adv.V.S. Kadam (Prakash S Shegokar & Ors.) <u>Adv.A.D. Gadekar for R.No.2</u>	Fix the Pay Scale Service & Monitory Benefits as per G.R.	Reply Filed by R-2 to R- 3	
29	OA242/21 with	Nanded	Adv.V.S. Kadam (Shaikh Mohamad Farukh Mohamad Mastan & Ors.)	Fix the Pay Scale Service & Monitory Benefits as per G.R.	Reply Filed by R-1 to R- 3	
30	OA243/21 with	Nanded	Adv.V.S. Kadam (Pandurang R Bellale) <u>Adv.N.U. Yadav for R.Nos.2 & 3</u>	Fix the Pay Scale Service & Monitory Benefits as per G.R.	Reply Filed by R-1 to R- 3	
31	OA244/21 with	Nanded	Adv.V.S. Kadam (Venkat R Shinde) <u>Adv.N.U. Yadav for R.Nos.2 & 3</u>	Fix the Pay Scale Service & Monitory Benefits as per G.R.	Reply Filed by R-1 to R- 3	
32	OA245/21 with	Nanded	Adv.V.S. Kadam (Sunil R Dharmadhikari)	Fix the Pay Scale Service & Monitory Benefits as per G.R.	Reply Filed by R-1 to R- 3	
33	OA254/21	Nanded	Adv.V.S. Kadam (Datta D Wagmare & Ors.) <u>Adv.N.U. Yadav for R.Nos.2 & 3</u>	Benefit fo G.R./ Higher Pay Scale	Reply Filed by R-1 to R- 3	
34	OA512/21	P'bhani	Adv.A.D. Gadekar (Usha A Gaikwad)	Compassionate Appointment	Reply Filed by R-1 & R- 3 to R-6	6.9.2023

Date: -17/07/2023

S.B. For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
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Due Admission Matters						
1	OA803/21	Nanded	Adv Madhur A Golegaonkar (Prarameshwar D Bellale & Ors.)	Benefits of Time Bound Promotion/ ACPS	For Filing Affidavit in Rejoinder	30.8.2023
2	OA804/21	Nanded	Adv Madhur A Golegonkar (Vilas S Rokade)	Benefits of Time Bound Promotion/ ACPS	For Filing Affidavit in Rejoinder	30.8.2023
3	OA195/23	A'bad	Adv S S Kulkarni/ Adv V U Rathod (Sharmila V Shinde)	Transfer	Reply Filed By R-1 & R-2	Disposed of
4	OA308/23	Beed	Adv V Y Patil (Dattatray B Kakde)	Directions/ Pension	Await Service	24.8.2023
5	OA312/23	N'bar	Adv K B Jadhav (Bapu S Pathade)	Minor Punishment	For Reply	24.8.2023
6	OA501/23	O'bad	Adv Amol N Patale (Nagnath R Kamble)	Transfer	Await Service R-1 & R-4	26.7.2023
7	OA506/23	O'bad	Adv S B Solanke (Valmik A Koli)	Directions/ Benefits of old Pensions Scheme	Await Service	24.8.2023
8	OA510/23	A'bad	Adv K G Salunke (Rajendra V Marale)	Leave Period	For Reply	24.8.2023
9	OA511/23	A'bad	Adv O D Mane/ Adv A O Mane (Shankar W Kale)	Interes on Delayed Payment	For Reply	1.9.2023
10	OA519/23	P'rbn	Adv S D Joshi (Dr. Kalidas V Niras)	Transfer	For Reply	1.8.2023
11	OA520/23	P'rbn	Adv S D Joshi (Dr. Abasaheb A Jadhav)	Transfer	Await Service R-1	1.8.2023
12	OA522/23	A'bad	Adv Dhanajay A Mane (Mahesh E Vispute)	Transfer	Await Service	2.8.2023
Order Matters						
13	MA355/22 In OAS1318/22	A'nagar	Adv A S Shelke (Dileep B Phatangare) <u>Adv Ishwar D Narwade</u> <u>For R-4</u>	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Rejoinder	25.8.2023
14	MA392/22 In OAS178/22	A'nagar	Adv V M Humbe (Ashru M Kaldate)	M.A For Condonation of Delay	Await Service	29.8.2023

15	MA454/22 In OASt221/22	Beed	Adv J M Murkute (Sindhu B Wanve & Ors.)	M.A For Condonation of Delay	Await Service	25.8.2023
16	MA165/23 In OASt657/23	O'bad	Adv R K Ashtekar (Dasrao T Deshpande)	M.A For Condonation of Delay	Await Service	1.8.2023
17	MA247/23 In OASt993/23	Beed	Adv H P Jadhav (Aditya Y Suryawanshi & Ors.)	M.A For Condonation of Delay	For Reply	1.8.2023

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH
AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -17/07/2023

Suplimentary Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Regular Admission Matters						
1	OA631/23	A'bad	Adv.J.B. Choudhary (Dr.Rajendra T Ankushe)	Transfer	Circulation	19.7.2023
2	OA632/23	A'bad	Adv.Shamsunder B Patil (Dr. Anil A Gaikwad)	Transfer	Circulation	
3	OA633/23	A'bad	Adv.Shamsunder B Patil (Dr. Nilesh I Kachnerkar)	Transfer	Circulation	
4	OA634/23	Dhule	Adv.J.B. Choduhary (Dr.Bhushan B Rao)	Transfer	Circulation	
5	OA635/23	Beed	Adv.K.G. Salunke (Dr. Namdev P June)	Transfer	Circulation	

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH
AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench

Before: - Court On Leave

Date: -17/07/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Order Matters						
8	MA100/20 In OA236/18	N'bar	Adv.M.R. Wagh (Krushnalal R Shirshi Gule)	M.A. For Amendment	For Hearing	30.08.2023
9	MA82/21 In MASt276/21 In OA34/11	Beed	Adv.S.R. Kedar (Bharat B Sangale)	M.A. For Condonation of Delay	For Hearing	31.8.2023
10	MA362/21 In OA745/21	A'bad	Adv.V.B. Wagh (Arvind D Gaikwad & Ors.)	M.A. For adding Co Applicants in MA	For Hearing	1.9.2023
11	MA308/23 In OA190/22	A'bad	Adv.A.S. Deshapnde (Anuradha D Gunde & Ors. Died Through LR's.Devendra S Gunday)	M.A. For Bringing Legal Heirs on record		1.9.2023
High On Board Matters						
12	CP36/18 In OA846/11 With	N'bar	Adv.Jayant B Choudhary/ Adv.P.D. Bodade (Vilas S Patil)	Contempt Petition	Part heard For Hearing Reply Filed by R-3	31.8.2023
13	CP37/18 In OA843/11 With	Jalgaon	Adv.Jayant B Choudhary (Ganesh G Patil)	Contempt Petition	Part heard For Hearing Reply Filed by R-3	
14	CP38/18 In OA842/11 With	Jalgaon	Adv.Jayant B Choudhary (Uttam K Patil)	Contempt Petition	Part heard For Hearing Reply Filed by R-3	
15	CP39/18 In OA278/12 With	Dhule	Adv.Jayant B Choudhary (Prakash D Bhadane)	Contempt Petition	Part heard	
16	CP40/18 In OA634/11 With	A'bad	Adv.Jayant B Choudhary (Prakash D. Bharambe)	Contempt Petition	Part heard For Hearing Reply Filed by R-2 & R-3	

17	CP41/18 In OA277/12	Nanded	Adv.Jayant B Choudhary (Sanjeev R Kadam)	Contempt Petition	Part heard For Hearing Reply Filed by R-3	31.8.2023
18	OA252/22	Beed	Adv.K.G. Salunke (Dr. Sudhir V Bhise)	Condone the Technical Break	Part Heard For Hearing Short Affidavit of Filed by Applicant	1.9.2023
19	CP01/22 With MA337/21 In TA02/21 WP2612/21	A'bad	Adv.Ajay S Deshpande In CP01/22 (Samiksha Chandrakar & Ors.) Adv.U.S. Patil In MA337/21 (Pratibha S Ingle)	Contempt Petition With M.A. For Intervention & Adding Party As Respondent	High on Board For Further Consideration	1.9.2023
20	OA235/22	N'bar	Adv.Jayant B Choudhary (Dilip A Patole)	Reversion	High on Board For Hearing Reply Filed by R-1 to R-4	2.9.2023
21	OA236/22	N'bar	Adv.Jayant B Choudhary (Bhagyashri T Patil)	Reversion	High on Board For Hearing Reply Filed by R-1 to R-4	2.9.2023
22	OA265/22	N'bar	Adv.Jayant B Choudhary (Ranjana B More)	Reversion	High on Board For Hearing Reply Filed by R-1 to R-4	2.9.2023
Due Admission Matters						
23	CP20/21 In OA200/16	O'bad	Adv.R.P. Bhumkar (Shaikh Rahim Shaikh Chand)	Contempt Petition	For Hearing Reply Filed by R- 2 & R-5	31.8.2023
24	OA32/18	Beed	Adv.J.S. Deshmukh (Shahadeo S Bangar)	Revision of Pay Scale	For Hearing Reply Filed by R-1 to R-3	25.9.2023
25	OA768/18	A'bad	Adv.S.S. Thombre (Vijaykumar V Giri & Ors.)	Appointment	For Hearing Reply Filed by R- 2	25.9.2023
26	OA221/21	Dhule	Adv.K.B. Jadhav (Subhash S Jawadekar)	Appointment I Class III Post	For Admission Reply Filed by Respondents	25.9.2023

27	OA784/21	A'bad	Adv.Preeti R Wankhade (Raghunath L Bhadke)	Seniority List	For Hearing Reply Filed by R- 1 to R-3	26.9.2023
28	OA82/22	A'bad	Adv.V.B. Wagh (Dattaram U Rathod)	Departmental Enquiry	For Hearing Reply Filed by Respondent	26.9.2023
29	OA306/22	Nanded	Adv.Amit A Mukhedkar (Papindersingh S Sandhu(Pujari)	Reversion	For Hearing Reply Filed by R- 1 & R-2	14.8.2023
30	OA335/22	Beed	Adv.P.D. Surywanshi (Vilas P Dhonde)	Departmental Enquiry	For Hearing Reply Filed by R- 1 to R-6	27.9.2023
31	OA442/22	A'bad	Adv.Kakasaheb B Jadhav (Shankar M Rathod)	Reversion	For Hearing Reply Filed by R- 1 to R-3	7.9.2023
32	OA485/22	Nanded	Adv.A.A. Mukhedkar (Jaspalsingh B Kalon)	Reversion	For Hearing Reply Filed by R- 1 & R-2	14.8.2023
33	OA103/23	A'bad	Adv.S.R. Patil (Shrikrishna N Nakate)	Departmental Enquiry	For Hearing Reply Filed by R- 1 to R-3	18.7.2023
Final Hearing Matter						
34	TA5/18 WP9261/18 with	A'bad	Adv.Nitin S Kadarale (Pravin C Janjal)	Selection/ Appointment	Reply Filed by R- 2 & R-3	5.10.2023
35	TA6/2018 WP9314/18	A'bad	Adv.Abhay R Rathod (Prasanna R Raut & Ors)	Selection/ Appointment	Reply Filed by R- 2 & R-3	5.10.2023
36	OA428/18	Nanded	Adv.V.B. Wagh (Sainath J Korpakwad & Ors.) <u>Adv.S.B. Mene for R.No.1</u>	Fixation of Pay & Consequential Benefits	Reply Filed by Respondent	6.10.2023
37	OA941/18	Dhule	Adv.V.B. Wagh (Dr.Neeta K Hatkar)	Challenging G.R.	Reply Filed by R- 1 & R-2	9.10.2023

38	OA647/19	A'bad	Adv.Avinash S Deshmukh (Balasaheb T Deshmukh)	Promotion	Reply Filed by R-1 & R-2	9.10.2023
39	OA787/19	J'gaon	Adv.Sandeep Lute (Laxman P Huse)	Selection	Reply Filed by R-1 to R-3	10.10.2023
40	OA848/19	Dhule	Adv.A.D. Sugdare (Jitendra B Bagul & Ors.)	Revised Pay Scale	Reply Filed by R-1 to R-3	10.10.2023

Before: - Court On Leave

Date: -17/07/2023

For Reply Board

S r. N o	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	CP45/22 In OA598/15	P'bhani	Adv.Dr. Kalpalata Patil Bharaswadkar (Noorunnisa Begum Abdul Rehman)	Contempt Petition	Await Service	1.9.2023
2	OA423/20	Dhule	Adv.N.L. Choudhari (Rahul P Deore)	Promotion	For Filing Affidavit in Rejoinder	28.8.2023
3	OA55/21	A'bad	Adv.P.S. Anerao (Arvind S Bhavar)	Selection List/ Appointment	As a Last Chance For Filing Affidavit in Rejoinder	30.8.2023
4	OA441/22	Beed	Adv.P.S. Anerao (Gajanan A Taralkar)	Promotion	As a Last Chance For Filing Affidavit in Rejoinder	30.8.2023
5	OA309/23	P'rbn	Adv Suchita Dhongde (Mohammad Moinoddin Mohammad Shardoddin)	Challenging G. R.	For Reply	31.8.2023
6	OA397/23	Nanded	Adv Nitin S Kadarale (Shobha A Gaikwad)	Selection Process	Await Service	1.9.2023
7	OA458/23	Dhule	Adv V B Wagh (Chandrakant D Patil)	Senionity	Await Service	6.9.2023

8	OA472/23	A'nagar	Adv V B Wagh (Bajirao E Gadade)	Promotion	Await Service	27.7.2023
9	OA459/23	A'nagar	Adv D S Pawar (Dr. Pradnya Y Ohal)	Major Punishment	Await Service	26.9.2023
Order Matters						
10	MA225/23 In OA356/23	A'bad	Adv V B Wagh (Sharad P Jare) <u>Adv K G Salunke Fpr R- 3</u>	M.A For Interim Refief	For Filing Affidavit in Rejoinder to the Affidavit in Reply Filed By R-1	27.7.2023

ORIGINAL APPLICATION NO. 103 OF 2023
(Shrikrishna N. Nakate Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Shri Justice P.R. Bora,**
Vice Chairman

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

DATE : **17.07.2023**

ORAL ORDER :

Heard Shri S.R. Patil, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities.

2. At the request of learned counsel for the applicant, S.O. to 18.07.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 601 OF 2023
(Santosh S. Kasbe Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Shri Justice P.R. Bora,**
Vice Chairman

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

DATE : **17.07.2023**

ORAL ORDER :

Heard Shri S.R. Kedar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent authorities.

2. Issue notices to the respondents, returnable on 21.08.2023.

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

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

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

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

7. S.O. to 21.08.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1083 OF 2022
(Santosh R. Shirsat & Ors. Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Shri Justice P.R. Bora,**
Vice Chairman

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

DATE : **17.07.2023**

ORAL ORDER :

Ms. Prashesti Shrivastava, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 19.07.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

M.A. No. 227/2023 in O.A. No. 39/2020
(Anil B. Nikam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

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

DATE : 17.07.2023

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel
for the applicant and Shri I.S. Thorat, learned Presenting
Officer for respondent authorities.

2. Learned counsel for the applicant on instruction
seeks leave of this Tribunal to withdraw M.A. Hence, the
following order :-

ORDER

M.A. No. 227/2023 stands disposed of since
withdrawn. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 39/2020
(Anil B. Nikam Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Shri Justice P.R. Bora,**
Vice Chairman

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

DATE : **17.07.2023**

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel
for the applicant and Shri I.S. Thorat, learned Presenting
Officer for respondent authorities.

2. S.O. to 20.07.2023 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 365 OF 2023
(Trupti V. Andhare Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Shri Justice P.R. Bora,**
Vice Chairman

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

DATE : **17.07.2023**

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for respondent authorities and Shri Sachin Deshmukh, learned counsel for respondent Nos. 3 to 7.

2. Today when the present matter is taken up for consideration, learned counsel appearing for respondent Nos. 3 to 7 prayed for vacating the interim order passed on 09.05.2023. Learned counsel submitted that under the garb of challenging Rule 8 of the Recruitment Rules, 2022, the applicant cannot seek any stay by way of interim arrangement to arrest the entire further process. Learned counsel submitted that such an order even may not be in much interest of the applicant also. Learned counsel submitted that her claim can be considered finally and the Tribunal is empowered to pass the appropriate further orders redressing grievance of the applicant. However, the entire further process cannot be stopped.

3. Learned Presenting Officer has supported the request made by learned counsel for respondent Nos. 3

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O.A. No. 365/2023

to 7. Learned P.O. submitted that in fact only because the interim order is operating, further decisions could not be taken.

4. Learned counsel for the applicant on instructions submitted that some subsequent developments have occurred wherein the zone of consideration has been widened, which has resulted in bringing the applicant in the zone of consideration. If this be so, it appears to me that even if the interim order is vacated, no prejudice is likely to be caused to the applicant and it may pave the way for considering the promotion of others who are due for promotion. It need not be stated that everything will be ultimately subject to outcome of the present O.A. Hence, the following order :-

ORDER

Interim order passed on 09.05.2023 stands vacated.

S.O. to 08.08.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 519/2023
(Dr. Kalidas V. Niras Vs. State of Maharashtra & Ors.)

AND

ORIGINAL APPLICATION NO. 520/2023
(Dr. Abasaheb A. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 17.07.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicants in both the matters and S/shri S.K. Shirse & I.S. Thorat, learned Presenting Officers for respondent authorities in respective matters, are present.

2. Learned Presenting Officer has sought time to file affidavit in reply on behalf of respondents in both the matters.

3. Await service of notice upon respondent No. 1 in O.A. No. 520/2023.

4. S.O. to 01.08.2023. Status quo granted earlier to continue till then.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 522 OF 2023
(Mahesh E. Vispute Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 17.07.2023

ORAL ORDER :

Shri Dhananjay Mane, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. Await service of notices upon the respondents.
3. S.O. to 02.08.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 501 OF 2023

(Shri Nagnath Raghunath Kamble Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 17.07.2023

ORAL ORDER :

Shri Amol N. Patale, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has tendered affidavit in reply on behalf of the respondent Nos. 1 to 3. The same is taken on record and copy of it is given to the learned counsel for the applicant.

3. List the matter for further consideration on 26.07.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 589 OF 2023

(Shri Pramod Laxman Sarvade Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

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

DATE : 17.07.2023

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.07.2023.

VICE CHAIRMAN

SAS ORAL ORDER 17.07.2023

M.A.ST.NO. 1324/2023 IN O.A.ST.NO. 1325/2023

(Shri Dashrath Laxman Shelke Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

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

DATE : 17.07.2023

ORAL ORDER :

Heard Shri Dhananjay A. Naik, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present Misc. Application as well as Original Application with liberty to file it before the appropriate bench of this Tribunal. Learned counsel submitted that the applicant being presently posted at Nashik, this Tribunal may not have jurisdiction to entertain such Original Application. In view of the submissions made following order is passed:-

ORDER

The Misc. Application and Original Application therewith are permitted to withdrawn with liberty as prayed for and hence stand disposed of without any order as to costs.

VICE CHAIRMAN

M.A.NO. 225/2023 IN O.A.NO. 356/2023

(Shri Sharad Pandurang Jare Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

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

DATE : 17.07.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri K.G. Salunke, learned Advocate for the respondent No.3, are present.

2. Learned P.O. has placed on record the copy of communication dated 04.05.2023 received to the Additional Chief Secretary, Co-operative Department, Mantralaya, Mumbai. The same is taken on record and copy of it is given to learned counsel for the applicant.

3. Learned counsel for the respondent No.3 submitted that during the course of the day he will file affidavit in reply of respondent No.3 and will supply copy of it to the learned counsel for the applicant as well as learned P.O.

4. List the matter for further consideration on 27.07.2023.

VICE CHAIRMAN

M.A.NO. 160/2023 IN O.A.NO. 1115/2022

(Shri Dattatray Maruti Kawade Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

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

DATE : 17.07.2023

ORAL ORDER :

Heard Shri A.R. Jadhav, learned counsel holding for Shri J.M. Murkute, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The present Misc. Application is filed seeking amendment in the Original Application. Learned counsel for the applicant submitted that the applicant has filed Original Application to quash and set aside the final seniority list dated 12.08.2022. The prayer has also been made that the applicant may be considered for promotion to the post of Circle Officer in view of seniority list dated 11.12.2020. Learned counsel submitted that in the event the seniority list is set aside by this Tribunal, the respondent Nos. 4 to 12 are liable to be affected thereby. In such circumstances, the present application has been moved for adding respondent Nos. 4 to 12 as party respondents in the present Original Application.

//2// M.A. 160/2023 in
O.A. 1115/2022

3. Learned P.O. has submitted for passing appropriate order.

4. After having considered the submissions made, the prayer for seeking amendment appears to be just. It therefore deserves to be allowed. The application is allowed. Necessary amendment be carried out within one week. No order as to costs.

VICE CHAIRMAN

SAS ORAL ORDER 17.07.2023

ORIGINAL APPLICATION NO. 1115 OF 2022

(Shri Dattatray Maruti Kawade Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

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

DATE : 17.07.2023

ORAL ORDER :

Heard Shri A.R. Jadhav, learned counsel holding for Shri J.M. Murkute, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. After amendment is carried out, issue notice to the respondents including the added respondents, returnable on 25.08.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 25.08.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 397 OF 2023

(Shobha Ashok Gaikwad Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

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

DATE : 17.07.2023

ORAL ORDER :

Shri N.S. Kadarale, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Shri C.V. Bodkhe, learned counsel holding for Shri R.V. Gore, learned counsel filed

VAKALATNAMA on behalf of the respondent No.3.

It is taken on record. He sought time for filing affidavit in reply on behalf of the respondent No.3.

Time granted.

3. Learned P.O. has filed affidavit in reply on behalf of the respondent Nos. 1 & 2. The same is taken on record and copy of it is given to learned counsel for the applicant.

4. S.O. to 01.09.2023 for filing affidavit in rejoinder, if any.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 306 OF 2022

(Papindersingh S. Sandhu (Pujari) Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

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

DATE : 17.07.2023

ORAL ORDER :

Shri Amit A. Mukhedkar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.08.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 17.07.2023

ORIGINAL APPLICATION NO. 485 OF 2022

(Jaspalsingh B. Kalon Vs. the state of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

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

DATE : 17.07.2023

ORAL ORDER :

Shri Amit A. Mukhedkar, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.08.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 17.07.2023

DATE : 17.07.2023

M.A.NO.319/2023 IN O.A.ST.NO.1077/2023

(Khushal B. Nemade Vs. The State of Maha. & Ors.)

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

1. Shri Harish S. Bali, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents in M.A., returnable on **21.08.2023**. The case be listed for admission hearing on **21.08.2023**.

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

DATE : 17.07.2023

M.A.NO.320/2023 IN O.A.ST.NO.1188/2023

(Pradnya Madhukar Paikrao Vs. The State of Maha. & Ors.)

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

1. Shri Nitin S. Kadarale, learned Advocate for the applicant and Shri I.S.Thorat, learned P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents in M.A., returnable on **21.08.2023**. The case be listed for admission hearing on **21.08.2023**.

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

M.A.NO.311/2023 IN O.A.ST.NO.1107/2023
(Smt. Asha Mohan Raut wd/o Late Mohan Bhanudasrao
Raut Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 17-07-2023

ORAL ORDER :

Heard Shri Vishnu Kande, learned Counsel holding for Shri S.T.Chalikwar, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A. for delay condonation, returnable on 02-08-2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 02-08-2023.
8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO.576/2023
(Dinesh Suresh Thakur Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 17-07-2023

ORAL ORDER :

Heard Smt. Archana Theorkar, learned Counsel holding for Shri V.B.Wagh, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 29-08-2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 29-08-2023.
8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO.617/2023
(Shubhangi Raghaji Bhoge Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 17-07-2023

ORAL ORDER :

Heard Shri R.N.Bharaswadkar, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that she was seeking transfer either on the post at Government Hostel for Tribal Girls at Ralegaon, Dist. Yeotmal or at Government Hostel for Tribal Girls at Kalamb, Dist. Yeotmal on the ground of couple convenience. It is the case of the applicant that her husband is working at Wardha which is at short distance from both places. Learned Counsel submitted that Project Officer at Aurangabad has forwarded proposal of the applicant along with proposals of 2 other employees on the ground of couple convenience. Learned Counsel submitted that while requests of the 2 others have been considered by the respondents, request of the applicant has not been

considered. It is further submitted that in fact the applicant is senior to both the aforesaid employees. Learned Counsel further submitted that applicant has already completed her tenure at Aurangabad. It is further contended that posts at Ralegaon and Kalamb are vacant and till this date none is appointed on these posts. While issuing notice to the respondents, learned Counsel for the applicant has prayed for interim relief thereby directing the respondents to keep either of the abovesaid posts vacant till filing reply by the respondents in the present O.A.

3. Shri Gude, learned P.O. appearing for the respondent authorities opposed for grant of any such interim relief. Learned P.O. submitted that Hon'ble Supreme Court has time and again observed that Government employee does not have any vested right to claim posting at a particular place and in the circumstances the request of the applicant may not be considered. Learned P.O. submitted that he will file reply within 2 weeks by taking instructions in this regard.

4. I have duly considered the submissions made on behalf of the applicant as well as the respondents. Documents filed on record *prima facie* show that the applicant is due for transfer. It is further revealed that proposal for request transfers of 3 employees on the ground of couple convenience was forwarded by Project Officer at Aurangabad. It is brought to my notice that proposal sent regarding 2 others has been favorably considered. Learned Counsel was fair enough in submitting that aforesaid is the provisional proposal and it is yet to be finalized. It is the only grievance of the applicant that same treatment has not been given to the applicant. It is submitted that till today no one has been given posting at Ralegaon or Kalamb.

5. It is true that Government employee cannot insist for his transfer or posting at a particular place, however, convenience of the applicant has to be considered by the respondents. In the present matter, it appears that in the case of the applicant same has not been done. In the circumstances, I deem it appropriate to pass the following order:

ORDER

[i] Issue notice to respondents, returnable on 01-08-2023.

[ii] **In the meanwhile, if no one has been posted till this date at Ralegaon or Kalamb, till filing of reply either of the posts at the abovesaid places shall be kept vacant. If any person is already transferred or appointed at Ralegaon or Kalamb the said order be produced before the Tribunal.**

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

[iv] 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.

[v] 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.

=5=

O.A.NO.617/2023

[vi] 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.

[vii] S.O. to 01-08-2023.

[viii] Steno copy and Hamdast is allowed to both parties.

YUK ORAL ORDER 17.07.2023

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 195 OF 2023
(Sharmila V. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 17.07.2023

ORAL ORDER :

Heard Shri S.S. Kulkarni, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. By filing the present Original Application the applicant has challenged the order dated 10.3.2023, whereby she has been transferred on promotion from Sillod District Aurangabad to Paranda District Osmanabad. In exception to the impugned order several grounds are raised by the applicant.

3. However, when the present matter was taken up for consideration, learned Presenting Officer raised a preliminary objection as about maintainability of the present O.A. Learned Presenting Officer pointed out that this being the order on promotion of the applicant the provisions under the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for sort hereinafter called as "the Transfer Act of 2005") may not be applicable and the applicant cannot invoke the said provisions in oppose to the impugned order, whereby on promotion the applicant has been posted. There is

substance in the objection so raised on behalf of the respondents. I am convinced that the applicant cannot invoke the provisions of the Transfer Act, 2005 in the present matter.

4. Thereupon, learned counsel appearing for the applicant submitted that the present Original Application can be disposed of by giving directions to the respondents to consider the representation submitted by the applicant, which has not been considered by the respondents till date.

5. Learned Presenting Officer submitted that the impugned order has been passed in the month of March, 2023 and the applicant as per her own contention has not joined at the said place till date. Learned P.O. submitted that he has no objection for passing such order for considering the request of the applicant by the respondents, however, the said order shall not be interpreted to mean and be used by the applicant for avoiding action for not joining on the transferred place till date and by making such observations, if the order is passed the respondents may not have any objection.

6. Having regard to facts as aforesaid it appears to me that the right of the employee to make a representation if he is posted at a very inconvenient place either by way of transfer or even by way of promotion cannot be denied.

If such a representation is made, the respondents are expected to consider and decide such representation, of course on merits of the said application/representation. In the present matter though such representation is made, the respondents do not seem to have considered or decided the same. As such, the applicant has sought direction against the respondents to consider her request. If the representation of the applicant is not yet considered by the respondents, it would be open for the respondents to consider the said representation on its own merit. It is clarified that the absence of the applicant from the date of her transfer can be independently dealt with by the respondents.

7. With the observations as above, the O.A. stands disposed of without any order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 470 OF 2023
(Ramesh P. Degloorkar Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 17.07.2023

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Today the respondents were supposed to file their affidavit in reply. Learned Presenting Officer submitted that para-wise reply has been prepared and has been forwarded for approval and has sought three weeks' time to file it on record.

3. Learned counsel appearing for the applicant submitted that having regard to the contentions raised by the applicant for his retention at existing place, more particularly that he is due for retirement within one and half year, the respondents be directed to positively file affidavit in reply within extended period. The request is worth consideration. In the circumstances, following order is passed: -

ORDER

Time granted for filing affidavit in reply till 8.8.2023. The respondents shall positively file affidavit

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O.A. NO. 470/2023

in reply on or before the said date, so that the matter can be taken for final disposal immediately. In the meanwhile period, it would be open for the respondents to consider the request of the applicant on its own merits.

(ii) S.O. to 8.8.2023.

VICE CHAIRMAN

ORAL ORDER 17.07.2023-HDD

ORIGINAL APPLICATION NO. 630/2023
(Dr. Govind K. Reddy Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 17.7.2023

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The applicant was working at Primary Health Centre, Bhada, Tq. Ausa, Dist. Latur on the post of Medical Officer (Group-A). Vide order dated 10.6.2023 he has been transferred to Primary Health Centre, Borol, Tq. Deoni, Dist. Latur. It is the grievance of the applicant that though he has given all 10 options for his transfer in the annual general transfers and though at the relevant time all those places were vacant or were likely to be vacant, the applicant has not been considered for any of those places and has been posted at Borol, Tq. Deoni, Dist. Latur, which is inconvenient for the applicant. The learned counsel for the applicant submitted that the applicant is aged about 56 years and perhaps this may be his last posting. In the circumstances, according to learned counsel, the request of the applicant was

liable to be preferentially considered. The learned counsel submitted that after issuance of the impugned order first the applicant has raised objection against the said order and also submitted representation with the Government seeking posting at Civil Dispensary, Almala, Tq.. Ausa, Dist. Latur. The learned counsel submitted that the applicant has been relieved on 11.7.2023. The learned counsel, in the circumstances, has prayed for directions while issuing notices to the respondents to consider the representation of the applicant by the next date.

3. Shri S.K. Shirse, learned Presenting Officer appearing for the State authorities has sought time for filing the affidavit in reply and further submitted that unless instructions are fully received, it would not be appropriate on his part to make any submissions.

4. After having considered the submissions made by the parties discussed hereinabove, I deem it appropriate to pass the following order :-

ORDER

Issue notice to respondents, returnable on 29.8.2023. **In the meanwhile, it would be open for the respondents to consider the representation submitted by the applicant on its own merits.**

2. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
3. 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.
4. 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.
5. 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.
6. S.O. to 29.8.2023.
7. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 629/2023

(Dr. Bhavana D/o Paras Kothari (Kakaria) Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 17.7.2023

ORAL ORDER :

Heard Shri J.B. Choudhary, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. This is one more matter wherein the applicant has come out with a grievance that by giving complete go-bye to the procedure laid down under the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short the Transfer Act, 2005) for effecting the transfers of the Government employees and even by discarding the guidelines issued by the Government itself under Government Resolution dated 9.4.2018, the applicant has been transferred. The learned counsel for the applicant submitted that the applicant admits that she is due for transfer and she is not seeking her retention on the present post. It is the specific contention raised on behalf of the applicant that before passing the

impugned order the respondents did not prepare the list of officers due for transfer. It is the further contention raised on behalf of the applicant that as laid down in the Government Resolution dated 9.4.2018 the procedure of counselling, as well as, inviting options/preferences from the officer due for transfer has also not been followed, which has caused some prejudice to the applicant. The learned counsel submitted that in several similar matters (O.A. No. 550/2023 & the batch order dated 6.7.2023) this Tribunal has passed interim order permitting the applicants therein to continue to work on their existing place, subject to a condition that, if somebody is already posted at the said place before passing order by the Tribunal, the concerned applicant may not have any right to retain at the said place. Similar order has been sought in the present matter.

3. Shri I.S. Thorat, learned Presenting Officer, though has opposed for grant of interim relief as has been prayed for and has sought time to file the affidavit in reply, has not made out any ground making out any case for not taking similar view as has been taken in the earlier orders.

4. After having considered the submissions made by the parties discussed hereinabove, I deem it appropriate to pass the following order :-

ORDER

1. Issue notice to respondents, returnable on 25.7.2023, **till then the respondents shall permit the applicant to discharge her duties on her existing post.**

2. **It is clarified that if it is noticed that any appointment or transfer has been made in place of the applicant and said person has been relieved from his earlier post prior to passing of this order, the applicant would be liable to be relieved from her existing post.**

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.

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O.A. NO. 629/2023

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 25.7.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ARJ ORAL ORDER 17.7.2023

ORIGINAL APPLICATION NO. 631/2023
(Dr. Rajendrra T. Ankushe Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 632/2023
(Dr. Anil A. Gaikwad Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 633/2023
(Dr. Nilesh I. Kacherkar Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 634/2023
(Dr. Bhushan B. Rao Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 635/2023
(Dr. Namdev P. June Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 17.7.2023

ORAL ORDER :

Heard S/shri J.B. Choudhary, Shamsunder B. Patil & K.G. Salunke, learned counsel for the respective applicant in respective matters and S/shri M.P. Gude, I.S. Thorat, B.S. Deokar, D.R. Patil & V.R. Bhumkar, learned Presenting Officers for the respondent authorities in respective matters.

2. In all these matters the transfers are stated to have been made on administrative grounds, however, the impugned orders do not disclose the details thereof. Though it is true that in the transfer orders respondents are not expected to elaborate

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O.A. NO. 631/2023

reasons, the same need to be recorded in the office note or in the submission placed before the competent authority for approval. For efficacious decision on the interim relief prayer, the respondents are directed to produce on record the relevant notings containing said reasons on the next date.

3. S.O. to 19.7.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 17.7.2023

ORIGINAL APPLICATION NO. 621/2023
(Chhandak G. Lokhande Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 17.7.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri R.N. Bharaswadkar, learned counsel for respondent no.3.

2. It is the case of the applicant that he was posted at Kalamnuri, Tq. Kalamnuri, Dist. Hingoli vide order dated 6.9.2021. It is the further contention of the applicant that he had applied for his transfer by request from the present place either at Kinwat in Nanded District, or at Pune or at Gadchorili. However, it is further case of the applicant that since the reason for which he was seeking his transfer from Kalamnuri to said places since was resolved, he within few days again communicated to the competent authority i.e. the Secretary, Tribal Development Department not to consider his earlier request for his request transfer at the aforesaid 3 places and to retain him till he completes ordinary tenure at the present place i.e. at

Kalamnuri. It is the further case of the applicant that in spite of aforesaid communication, vide order dated 11.7.2023 the respondents have posted respondent no. 3 in his place by promoting him to the said post. The learned counsel for the applicant has sought quashment of the said order by filing the present Original Application impliedly seeking his retention at the present post.

3. Shri V.R. Bhumkar, learned Presenting Officer has sought time to file the affidavit in reply. The learned P.O. further contended for want of instructions even on facts he cannot make any concrete submissions. The learned P.O., however, on principle opposed for grant of any interim relief as has been prayed by the applicant. The learned P.O. submitted that the respondent no. 3 has been posted in place of the applicant on transfer. Yet there is no order revealing of the further posting of the applicant. Learned PO submitted that the applicant cannot dispute the right of respondents to make postings considering the administrative convenience of any other employee by way of promotion or by way of transfer. The learned P.O.

submitted that the applicant cannot as of right seek his retention on the present post. He further contended that after instructions are received the reasons may be disclosed for not considering the request of the applicant for his retention on the said post and unless such information brought on record, it would be unjust to grant any interim relief as has prayed by the applicant.

4. Shri R.B. Bharaswadkar, learned counsel appearing for respondent no. 3 while concurring with the submissions made by the learned P.O. appearing on behalf of the respondent authorities further added that the Civil Services Board after having considered all the circumstances have taken the conscious decision to post respondent no. 3 on promotion in place of the applicant and accordingly the order has been passed. The learned counsel reiterated the contentions raised on behalf of the State authorities about the powers of the State and the limitation of the Government employees for challenging such orders.

5. I have duly considered the submissions made by the learned counsel appearing for the applicant, learned P.O. for respondent authorities and the learned counsel appearing for respondent no. 3. It is true that the Government employee cannot insist for his posting at any particular place or can seek his retention as of right. It is also true that the applicant had initially made a request for his transfer either at Kinwat in Nanded District, or at Gadchiroli or at Pune. The applicant has further placed on record the letter dated 23.5.2023, whereby he had communicated to the Secretary of Tribal Development that he is withdrawing his applications so made for request transfer at the aforesaid places and thereafter the impugned order has been passed, whereby the respondent no. 3 has been appointed by way of promotion in place of the applicant. As has been submitted by the learned P.O. why the request of the applicant for his retention has not been considered is undisclosed in the impugned order and reasons would be revealed only the respondents submit their affidavit in reply with relevant documents. Respondent No. 3 has been posted in place of the applicant vide order dated 11.7.2023

and he has been given 30 days' time for joining the said post. Presently respondent No. 3 is working at Rajur Tq. Akole Dist. Ahmednagar and he has not been relieved yet. No one has been posted in place of respondent No. 3 at Rajur.

6. Having considered the facts as aforesaid it appears to me that when respondent No. 3 is having time to resume at his promotional post at Kalumnari till 11.8.2023, before one week of that date the respondents shall file affidavit in reply so that the matter can be considered and finally disposed of before 11.8.2023. Hence, I pass the following order:-

ORDER

Issue notice to respondents, returnable on 4.8.2023, **till then the status quo as on today be maintained.**

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

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

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4. 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.

5. 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.

6. S.O. to 4.8.2023.

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

VICE CHAIRMAN