

**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: -19/07/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Regular Admission Matters						
High On Board Matters						
12	OA174/17	A'bad	Adv.A.S. Deshmukh (Dr.Madhav F Jadhav)	Time Bound Promotion/ ACPS/ Pension & Pensionary Benefits	Reply Filed by R-1 to R-6	23.8.2023
Due Admission Matters						
13	OA453/20	N'bar	Adv. Vinod P Patil (Bhatu R Mahale)	Recovery	Reply Filed by R-1 to R-4	23.8.2023
14	OA457/20 with	A'bad	Adv.Prasad D Jarare (Samba H Sarpate) <u>Adv.Anuradha S. Mantri</u> <u>for R.No.2</u>	Interest on Delayed Payment	Reply Filed by R-1 to R-4	23.8.2023
15	OA458/20 with	A'bad	Adv.Prasad D Jarare (Dr.Abdul Rahim Khan) <u>Adv.Anuradha S. Mantri</u> <u>for R.No.2</u>	Interest on Delayed Payment	Reply Filed by R-1 to R-4	
16	OA462/20	A'bad	Adv.Prasad D Jarare (Arvind B Patil) <u>Adv.Anuradha S. Mantri</u> <u>for R.No.2</u>	Interest on Delayed Payment	Reply Filed by R-1 to R-4	

17	OA510/20	Beed	Adv.Vilas S Panpatte (Priyadarshi S Maske)	Compassionate Appointment	Reply Filed by R-1 to R- 3	24.8.2023
18	OA587/20	A'bad	Adv.Vijay C Suradkar (Kumudini R Sable)	Compassionate Appointment (Lad Page Samiti)	Reply Filed bny R-2 & R-3	24.8.2023
19	OA96/21	J'gaon	Adv.R.P. Bhumkar (Shriram P Chavan)	Time Bound Promotion/ ACPS/ Recovery	Reply Filed by R-2 & R- 3	24.8.2023
20	OA464/21	A'bad	Adv.A.S. Deshmukh (Vilas K Hiwale)	Duty Period	For Hearing Reply Filed by R-1 to R- 4	24.8.2023
21	OA782/21	A'bad	Adv.G.K.Kshirsagar/ Adv.G.J. Pahilwan (Dhruptarao P Jadhav)	Withdrawal Benefit of ACPS	Reply Filed by R-1 to R- 4	2.8.2023
22	OA74/22	P'bhani	Adv Avinash A Phad (Siddiqui Mohd. Minhaiuddin Mohd. Sardauddin)	Compassionate Appointment	Reply Filed by R-2 & R- 3	24.8.2023
23	OA103/22	A'nagr	Adv.S.B. Kakde (Tushar V Veldandi)	Compassionate Appointment	For Hearing Reply Filed by R-1 to R- 4	25.8.2023
24	OA114/22	A'bad	Adv.J.S. Deshmukh (Dr.Bhauasaheb S Randhe) <u>Adv.U.S. Mote for R.No.3</u>	Relieve	For Hearing Reply Filed by R-3	25.8.2023
25	OA233/22	A'bad	Adv.Rahul O Awasarmol (Sudhakar Y Dandge)	Deem of Date of Promotion	Reply Filed by R-4	25.8.2023
Final Hearing Matters						
26	OA303/14	A'bad	Adv.A.D. Sugdare (Prakash N Shrivastav)	Promotion	Reply Filed by R-1 to R- 3	29.8.2023
27	OA139/17	A'bad	Adv.V.P. Golewar (Shaikh Liyakat Shaikh Dildar)	Appointment	Reply Filed by R-1 to R- 4	29.8.2023

28	OA202/17	A'bad	Adv.A.S. Shelke (Ashok B Wagh)	Pay Scale As Per G.R.	Hon'ble High Court Bench at A'bad OA Remitted back for Fresh Decision Reply Filed by R-1 to R-5	29.8.202 3
29	OA125/19	A'bad	Adv.D.K. Dagadkhair (Uttam G Shinde)	Benefit of Assured Career Progress Scheme	For Further Consideration Reply Filed by R-1 to R- 6	8.9.2023
30	OA127/19	A'bad	Adv.D.K. Dagadkhair (Uttam S Kshirsagar)	Benefit of Assured Career Progress Scheme	For Further Consideration Reply Filed by R-1 to R- 6	8.9.2023
31	OA98/20 With Caveat78/19	J'gaon	Adv.A.S. Deshmukh (Bhavana R Patil) <u>Adv.Manish Bhambre for R.No.2(Caveator)</u>	Police Patil	Reply Filed by R-1 & R- 2	8.9.2023
32	OA580/20	Hingoli	Adv.S.B. Patil (Dr.Sunita N Pawar)	Study Leave	Short Affidavit in Reply of R-1 to R-5	8.9.2023
33	OA581/20	A'bad	Adv.V.P. Kadam (Ganesh S Khetre)	Compassionate Appointment	Reply Filed by R-2	8.9.2023
34	OA68/21	A'bad	Adv.Vijay C Suradkar (Sarjerao S Jagdhane)	Compassionate Appointment (Lad Page Samiti)	Reply Filed by R-2 & R- 3	8.9.2023
35	OA319/21	Latur	Adv.Talekar & Associates (Netaji G Shinde)	Suspension	Reply Filed by R-1 to R- 5	8.9.2023
36	OA384/21	A'bad	Adv.V.B. Wagh (Shripatrao B Gaikwad)	Pension & Pensionery Benefits	Reply Filed by R-1 to R- 4	8.9.2023

Date: -19/07/2023

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	OA82/21	A'bad	Adv Amruta Paranjape-Menezes (Deepak S Zinjurde)	Arrears	For Filing Affidavit in Reply	29.8.2023
2	OA772/21	A'bad	Adv Neha B Kamble/ Adv S D Tangade (Prakash J Salve & Ors.)	Compassionate Appointment [Lad-Page Samiti]	By Way of One More Last Chance For Filing Affidavit in Reply	29.8.2023
3	OA277/22	Jalna	Adv Azizoddin R-Syed (Akhtar Baig Baba Baig)	Compassionate Appointment [Lad-Page Samiti]	As a One More Chance for Filing Affidavit in Reply <u>Ref Order</u> <u>Dtd.</u> <u>12.12.2022</u>	29.8.2023
4	OA395/22	Latur	Adv.S.D. Joshi (Rajkumar V Ugile) <u>Adv.G.N. Patil For R-6 /</u> <u>Adv A S Reddy For R-6</u>	Recovery/ Refund of Amount	For Filing Affidavit in Reply	29.8.2023
5	OA406/22	Nanded	Adv.B.R. Kedar (Pandit K Pawar & Ors.)	Deemed Date of Promotion	For Filing Affidavit in Reply	29.8.2023
6	OA575/22	Nanded	Adv.A.D. Gadekar (Yayati T Ghorband)	Refund of Recoveed Amount	For Filing Affidavit in Reply	29.8.2023
7	OA576/22	Beed	Adv A D Gadekar (Subhash H Puri)	Refund of Recovered Amount	For Reply	29.8.2023
8	OA688/22	Nanded	Adv Amruta Paranjape Menezes (Ashok K Ghuge)	Recovery	Await Service	29.8.2023

9	OA1134/22	Beed	Adv.A.B. Kharosekar/ Adv.V.B. Wagh (Ramesh L Naik)	Pension	Reply Filed By R-1 & R-2 & For Filing Affidavit in Rejoinder & Await Service R-3	29.8.2023
10	OA1091/22	A'nagar	Adv Avishkar S Shelke (Babasaheb N Rakte)	Pension & Pensionery Benefits	By Way of Last Chance For Filing Affidavit in Reply	30.8.2023
11	OA04/23	Beed	Adv K B Jadhav (Sunil L Jadhav)	Compassionate Appointment	For Reply	30.8.2023
12	OA22/23	Jalgaon	Adv K B Jadhav (Sudhakar O Jadhav)	Recovery/ Refund of Amount	For Reply	30.8.2023
13	OA67/23	Dhule	Adv V B Wagh (Nilesh C Nemane)	Suspension	Await Service	30.8.2023
14	OA358/23	Latur	Adv A D Sugdare (Girdhari G Gunjarge)	Counting Service For Pensionery Benefits	For Reply	30.8.2023
15	OA393/23	A'bad	Adv Kiran G Salunke (Shivaji G Wadje)	Transfer	For Filing Affidavit in Reply	2.8.2023
16	OA478/23	Latur	Adv Kiran G Salunke (Vishwajit V Udate)	Compassionate Appointment	Await Service	30.8.2023
17	OA480/23	O'bad	Adv Party in Person (Gyanraj P Kakde)	Interest on Delayed Payment on Leave Encashment	Await Service	31.8.2023
18	OA481/23	O'bad	Adv Party in Person (Gnyanraj P Kakde)	Interest on Delayed Payment on Leave Encashment	Await Service	31.8.2023
19	OA527/23	A'bad	Adv Kiran G Salunke (Vidya A Mohite)	Transfer	For Reply	2.8.2023
20	OA534/23	A'nagar	Adv R R Karpe/ Adv Y R Shinde (Tulshiram H Aghav)	Transfer	For Reply	2.8.2023
21	OA535/23	A'nagar	Adv R R Karpe/ Adv Y R Shinde (Anil R Dhumal)	Transfer	For Reply	2.8.2023

22	OA536/23	Latur	Adv R R Karpe/ Adv V V Kadade (Gorakh V Dive)	Transfer	For Reply	2.8.2023
23	OA567/23	Beed	Adv V B Wagh (Dr. Amol R Gite)	Transfer	For Reply	2.8.2023
Order Matters						
24	MA217/21 In OAST598/21	Beed	Adv.V.B. Wagh (Vitthal S Lokhande & Ors.)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	31.8.2023
25	MA229/21 In OAST655/21	Nanded	Adv.A.G. Vasmatkar (Pundlik N Amberao Died through LR.s.)	M.A. For Condonation of Delay to bring LRs. On Record	For Filing Affidavit in Reply	31.8.2023
26	MA124/22 In OAST260/22	A'nagar	Adv V B Wagh/ Adv S S Wagh (Dr. Radhakisan N Pokharkar & Ors.) <u>Adv M S Mahajan For R-3 & R-4</u>	M.A. For Condonation of Delay	Reply Filed By R-1 & R-2 & For Filing Affidavit in Reply R- 3 & R-4	31.8.2023
27	MA508/22 In OAST1894/22	Nanded	Adv A B Rajkar (Eknath G Myske)	M.A. For Condonation of Delay	Await Service R-2	31.8.2023
28	MA122/23 In OAST418/23	Latur	Adv V G Pingle (Smt. Rukhmin S Mendhake)	M.A For Condonation of Delay	For Reply	31.8.2023

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Before: - Court On Leave

Date: -19/07/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Urgent Admission Matters						
Order Matters						
High On Board Matters						
5	OA165/21 With	A'nagar	Adv.R.A. Joshi (Anil Y Rokade) <u>Adv.Sham B Patil for R.Nos.2 & 3</u>	Direction/ Removal From Service	<u>For Expedited Hearing</u> Reply Filed by R-1 to R-3	11.9.2023
6	OA680/21	A'nagar	Adv.R.A. Joshi (Anil Y Rokade) <u>Adv.Sham B Patil for R.Nos.2 & 3</u>	Major Punishment	Reply Filed by R-2 & R-3	11.9.2023
7	OA809/21	J'gaon	Adv.V.B. Wagh (Dr.Imran Nizam Pathan)	Continuation of Service	<u>For Expedited Hearing</u> Reply Filed by R-1 to R-4	12.9.2023
8	CP17/21 In OA127/17	Nanded	Adv.V.P. Golewar (Trimbak D Tompe)	Contempt Petition	<u>High on Board For Further Consideration</u> Reply Filed by R-4 & R-5	12.9.2023
Due Admission Matters						
9	OA758/17	A'bad	Adv.V.B. Wagh (Dadarao D Borade)	Minor Punishment	For Hearing Reply Filed by R-1 & R-2	12.9.2023
10	OA771/18	P'bhani	Adv.B.A. Dhengle (Shrihari D Ghogare) <u>Adv.M.V. Bharuka for R.No.4</u>	Selection/ Appointment	For Hearing Reply Filed by R-1 to R-3	13.9.2023

11	OA675/19	Jalna	Adv.Swapnil A Deshmukh (Eknath C Sonawane)	Major Punishment	For Hearing Reply Filed by R-2 & R-3	14.9.2023
12	OA100/20	A'bad	Adv.R.S. Sadaphule/ Adv.A.G. Jadhav (Ashok R Jagdhane)	Major Punishment	For Hearing Reply Filed by R-2 & R-3	15.9.2023
13	OA257/20	Beed	Adv.J.V. Patil (Sambhaji S Pawar) <u>Adv.H.P. Jadhav for R.No.2</u>	Selection List/ Selection	For Hearing Reply Filed by R-1 & R-2	15.9.2023
14	OA366/20	Beed	Adv.Amol A Kokad/ Adv.A.R. Muley (Bharat L Dhonde) <u>Adv.Mahesh B Ubale for R.No.3</u>	Final Selection/ Waiting List	For Hearing Reply Filed by R-2 & R-3	15.9.2023
15	OA375/20 with	Beed	Adv.Avinash S Deshmukh (Amol M Naikwade)	Termination	For Hearing Reply Filed by R-2 to R-4	14.8.2023
16	OA376/20 with	P'bhani	Adv.Avinash S Deshmukh (Govind K Surnar)	Termination	For Hearing Reply Filed by R-4	
17	OA418/20 with	Beed	Adv.Avinash S Deshmukh (Popat K Gonde & Ors.)	Termination	For Hearing Reply Filed by R-2 & R-3	
18	OA428/20 with	Hingoli	Adv.Avinash S Deshmukh (Bandu S Bontalwar)	Termination	For Hearing Reply Filed by R-1 to R-3	
19	OA434/20	P'bhani	Adv.Avinash S Deshmukh (Mahesh D Desai)	Termination	For Hearing Reply Filed by R-1 to R-3	
20	OA409/20	J'gaon	Adv.V.P. Patil (Kamini S Suryawanshi)	Selection/ Appointment	For Hearing Reply Filed by R-1 to R-3	20.9.2023
21	OA562/20	A'bad	Adv.V.B. Wagh (Amol N Bari)	Appointment	For Hearing Reply Filed by R-2	20.9.2023

22	OA582/20	J'gaon	Adv.D.B. Shinde (Muktar F Tadv)	Promotion	For Admission Reply Filed by R-1, R-3 & R-4	18.9.2023
23	OA46/21	Nanded	Adv.D.M. Shinde (Pradhum R More)	Appointment	For Hearing Reply Filed by R-1 to R-3	18.9.2023
24	OA77/21	A'bad	Adv V B Wagh (Vishvanath H Mahindrakar & ors)	Reversion	For Hearing Reply Filed by R-1 & R-2	11.8.2023
25	OA101/21	Dhule	Adv.Suresh D Dhongde (Dhansing B Chavan)	Termination	For Hearing Reply Filed by R-1 to R-3	11.9.2023
26	OA80/22	A'bad	Adv.C.V. Dharurkar (Nilesh S Arke) <u>Adv.A.S. Kakade for R.No.4</u>	Appointment	For Admission	26.9.2023
27	OA373/22	N'bar	Adv.D.S. Mutalik (Dr.Vandana P Sonone)	Exemption From Examination	For Hearing Reply Filed by R-1 to R-5	10.8.2023
28	OA401/22	A'bad	Adv.Suchita Dhongde (Kirti M Nagargoje)	ACR Promotion	For Hearing Reply Filed by R-1 to R-4 For Filing Affidavit in Rejoinder	11.9.2023
29	OA512/22	A'bad	Adv. R. A. Joshi (Sunil B Magre & Ors)	Examination	For Hearing Reply Filed by R-2	21.9.2023
30	OA601/22	P'bhani	Adv.S.R. Shirsat (Deepak U Kulkarni)	Seniority List	For Admission Reply Filed by R-1 to R-3	21.9.2023
31	OA694/22	Beed	Adv.Shamsunder B Patil (Pradeep D Pawar)	Directions (Appointment)	For Admission	28.7.2023
32	OA735/22	Hingoli	Adv.Suchita Dhongde (Vinodkumar B Ambhore)	Seniority List	For Admission Reply Filed by R-1 to R-3	21.9.2023

Final Hearing Matter						
33	OA74/18	A'nagar	Adv.S.S. Kulkarni/ Adv.A.S. Kulkarni (Bhagwan B Chemate)	Appointment	Reply Filed by R-1	6.9.2023
34	OA273/18	A'bad	Adv.Sandeep B Sontakke (Ganesh D Chavhan) <u>Adv.Pramod A Salvi for R.No.4</u>	Seniority	Reply filed by R-1 to R-5	6.9.2023
35	OA615/18	Beed	Adv.Talekar & Associates (Desai Timma Gaikwad)	To Count the Past Service/ Regularisation	Reply Filed by R-1 to R-4	7.9.2023
36	OA410/19	A'bad	Adv.Ajay Deshpande (Santosh R Jagdale) <u>Adv.M.R. Kulkarni For R.No.2</u>	Appointment	Reply Filed by R-2	8.9.2023
37	MA112/21 In OA386/20	Nanded	Adv.Santosh C Bhosle (Ganga S Suryawanshi)	M.A. For I.R.	Reply Filed by R-3	11.9.2023
38	OA304/23	A'bad	Adv.A.S. Deshpande/ Adv. V.P. Potbhare (Samir M Morey)	Selection	Reply Filed by R-1 to R-3	12.9.2023

Before: - Court On Leave

Date: -19/07/2023

D.B. For Reply Board

S r. N o	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	CP15/23 In OA219/19	Jalna	Adv.J.S. Deshmukh (Dr. Jasmina H Dekiwadiya)	Contempt Petition	For Filing Affidavit in Reply	4.9.2023
2	CP16/23 In OA19/20	Jalna	Adv.J.S. Deshmukh (Pralhad L Rathod)	Contempt Petition	For Filing Affidavit in Rejoinder	4.9.2023
3	CP17/23 In OA16/20	Jalna	Adv.J.S. Deshmukh (Sahebrao S Kale)	Contempt Petition	For Filing Affidavit in Rejoinder	4.9.2023

4	CP18/23 In OA17/20	Jalna	Adv.J.S. Deshmukh (Bapurao R Patil)	Contempt Petition	For Filing Affidavit in Rejoinder	4.9.2023
5	CP19/23 In OA18/20	Beed	Adv.J.S. Deshmukh (Shivnath U Vyavhare)	Contempt Petition	For Filing Affidavit in Rejoinder	4.9.2023
6	CP39/23 In OA1005/22	A'bad	Adv Prashant M Nagargoje (Ganpat H Darade)	Contempt Petition	Notice Return R-2	27.7.2023
7	OA504/22	A'bad	Adv A S Deshpande (Kiran S Pawar)	De Novo Enquiry	As a Last Chance For Filing Affidavit in Rejoinder	26.7.2023
8	OA868/22	Nanded	Adv R P Bhumkar (Ramdas G Gangadhare)	Revised Pay Scale/ pensionary Benefits	Await Service R-2 & For Filing Affidavit in Rejoinder	11.9.2023
9	OA875/22	Hingoli	Adv Shamsunder B Patil (Dr. Anup R Naik)	Eligibility	For Filing Affidavit in Reply	12.9.2023
10	OA876/22	N'bar	Adv A D Sugdare (Dr. Pravinkumar Y Thakare)	Advertisement Merit List	As a Last Chance For Filing Affidavit in Reply	13.9.2023
11	OA902/22	A'bad	Adv Rajendra N Chavan (Anil V Mule)	Misconduct	Reply Filed By R-3 & R-4 & For Filing Affidavit in Rejoinder	13.9.2023
12	OA1083/22	N'bar	Adv.Talekar & Associates (Santosh R Shirsat & Ors.)	Challenging G.R.	For Filing Affidavit in Rejoinder	11.9.2023
13	OA17/23	Jalna	Adv J J Patil (Sandeep S Kshire)	Eligibility Appointment	Reply Filed By R-1 & R-2 &For Filing Affidavit in Rejoinder	17.9.2023
14	OA48/23	Latur	Adv J J Patil (Shankar H Jadhav) Adv M B Ambekar For R-4	Seniority List	For Filing Affidavit in Reply	14.9.2023

15	OA98/23	Latur	Adv J J Patil (Pandit N Jadhav)	Seniority List	For Reply	14.9.2023
16	OA204/23	Jalna	Adv J J Patil (Ashish P Paithankar)	Major Punishment	For Reply	14.9.2023
17	OA399/23	Nanded	Adv D K Dagadkhair (Aniket B Rathod)	Selection Process	For Reply	11.8.2023
18	OA400/23	A'nagar	Adv D K Dagadkhair (Mahesh B Gavhane)	Selection Process	For Reply	11.8.2023
19	OA401/23	A'nagar	Adv D K Dagadkhair (Shahadeo M Bhaware)	Selection Process	For Reply	11.8.2023
20	OA402/23	A'nagar	Adv D K Dagadkhair (Sunny N Dhangar)	Selection Process	For Reply	11.8.2023
21	OA445/23	Dhule	Adv V B Wagh (Hemant M Londhe)	Seniority/ Promotion	Await Service	17.8.2023
Order Matters						
22	MA430/22 In MA431/22 In OAS1463/22	N'bar	Adv.Y.H. Jadhav (Kana S Pawara & Ors.)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	31.8.2023
23	MA443/22 In OAS1705/22	N'bar	Adv.Y.H. Jadhav (Chimlya T Bhil(Chudhary & Ors.)	M.A. For Sue Jointly	For Filing Affidavit in Reply	31.8.2023
24	MA558/22 In MASt2056/22 In OAS12057/22	N'bar	Adv.Y.H. Jadhav (Janya M Patale)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	31.8.2023
25	MA276/23 In OA209/22	Latur	Adv C V Dharurkar (Renuka V Saudagar & Ors.)	M.A For Interim Relief	For Filing Affidavit in Reply	31.8.2023

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 : **19.07.2023**

ORAL ORDER :

Heard Ms. Prashesti Shrivastava, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for respondent authorities.

2. Today the present matter is listed for filing rejoinder affidavit by the applicants to the affidavit in reply filed on behalf of respondent Nos. 1 to 4.

3. Learned counsel for the applicants has sought some time to file rejoinder affidavit.

4. Learned counsel for the applicants submitted that because of non-availability of Division Bench, the present matter may not be taken up for final disposal in next few days. Learned counsel submitted that the period of contract to which the applicants have been given extension is likely to be over within few days and the applicants apprehend that on the basis of the Government Resolution dated 16.11.2022 the respondents may indulge in making appointments on

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O.A. No. 1083/2022

ad-hoc basis in place of the present applicants. Learned counsel for the applicants tendered a copy of order passed by the Division Bench of the Hon'ble Bombay High Court in W.P. No. 6693/2023 on 09.06.2023. Learned counsel also placed on record a copy of order passed by the Principal Bench of this Tribunal at Mumbai in O.A. No. 219/2022 on 07.07.2023. Learned counsel for the applicants pointed out that in both the orders the Hon'ble High Court, as well as, the Principal Seat of this Tribunal have deprecated the practice of substituting the ad-hoc employees with another ad-hoc employees. I have gone through both the aforesaid orders. There appears *prima-facie* substance in the contentions raised on behalf of the applicants. In the circumstances, I deem it appropriate to pass the following order :-

ORDER

The implementation of G.R. dated 16.11.2022 to the extent of decision to fill in the post of Sports Teacher by way of outsourcing in Government Ashram School shall stand stayed until further orders.

List the matter for further consideration on 11.09.2023.

VICE CHAIRMAN

**ORIGINAL APPLICATION ST. NO.1195/2023
(Sangita Praful Shete Vs. State of Maharashtra & Ors.)**

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

DATE : 19-07-2023

ORAL ORDER :

Heard Smt. Archana Therokar, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities.

2. Office has raised objection as about the jurisdiction. It is stated that the applicant's husband was working as Senior Clerk at Yeotmal and died at Yeotmal and hence the matter may not be considered by this Tribunal and the jurisdiction would lie with the Nagpur Bench of the Tribunal.

3. Learned Counsel for the applicant submitted that after the death of her husband she is residing within the jurisdiction of this Tribunal. Whatever correspondence was made by her was from this place and the communications are received which have given rise to file O.A. by the applicant are received to her on the said address i.e. within the jurisdiction of this Tribunal. It is further contended that office of respondent i.e. Commissioner, Soil and

Water Conservation Department is at Aurangabad i.e. within the jurisdiction of this Tribunal.

4. Considering the facts as aforesaid objection is set aside. O.A. is very well maintainable before this Tribunal. Hence, O.A. be registered and numbered in accordance with law.

5. After registration of O.A. issue notice to respondents, returnable on 23-08-2023.

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

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

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

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O.A.ST. NO.1195/2023

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

10. S.O. to 23-08-2023.

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

YUK ORAL ORDER 19.07.2023

VICE CHAIRMAN

**M.A.NO.124/2022 IN O.A.ST.NO.260/2022
(Dr. Radhakisan Pokharkar & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 19-07-2023

ORAL ORDER :

Smt. Arhcana Therokar, learned Counsel holding for Shri V.B.Wagh, learned Counsel for the applicant, Shri B.S.Deokar, learned Presenting Officer for the respondent authorities and Shri M.S.Mahajan, learned Special Counsel for respondent nos.3 and 4.

2. Pleadings are complete. Matter be listed for hearing on 31-08-2023.

YUK ORAL ORDER 19.07.2023

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.393/2023
(Shivaji Wadje Vs. State of Maharashtra & Ors.)**

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

DATE : 19-07-2023

ORAL ORDER :

Shri K.G.Salunke, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has tendered affidavit in reply on behalf of respondent nos.1 and 2. It is taken on record. Copy is given to the learned Counsel appearing for the applicant.

3. List the matter for hearing on 02-08-2023.

**ORIGINAL APPLICATION NO.527/2023
(Vidya Mohite Vs. State of Maharashtra & Ors.)**

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

DATE : 19-07-2023

ORAL ORDER :

Shri K.G.Salunke, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Smt. Resha Deshmukh, learned Counsel states that she will file Vakalatnama on behalf of respondent nos.3 and 4 in the office. She has requested time for filing affidavit in reply. Learned P.O. also sought time to file reply. Time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 02-08-2023.

**M.A.NO.508/2022 IN O.A.ST.NO.1894/2022
(Eknath Maske Vs. State of Maharashtra & Ors.)**

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

DATE : 19-07-2023

ORAL ORDER :

Shri Ashish Rajkar, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Counsel for the applicant re-issue notice to respondent no.2 in M.A. returnable on 31-08-2023.

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 31-08-2023.

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

**ORIGINAL APPLICATION NO.528/2023
(Prataprao Kautik Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 19-07-2023

ORAL ORDER :

Shri Ashish Rajkar, learned Counsel holding for Shri M.S.Deshmukh, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. When the present matter is taken up for consideration, learned P.O. tendered copy of communication dated 17-07-2023 received to the office of CPO from the State Government. Same is taken on record. The communication reveals that the process is in progress for directing retention of the applicant at Jalgaon on the same post till the date of his superannuation. In view thereof, matter stands adjourned to 18-08-2023.

**ORIGINAL APPLICATION ST. NO.1240/2023
(Gutam Bhilaji Sonwane Vs. State of Maharashtra & Ors.)**

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

DATE : 19-07-2023

ORAL ORDER :

Heard Shri S.B.Bhosale, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. Learned Counsel seeks adjournment in the matter stating that first he will have to file M.A. for condonation of delay and thereafter he will get circulated the matter along with the O.A. Hence, the matter be removed from the board.

YUK ORAL ORDER 19.07.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO.644/2023
(Dr. Bhausahab Narayanrao Chalak Vs. State of
Maharashtra & Ors.)

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

DATE : 19-07-2023

ORAL ORDER :

Heard Shri B.S.Shinde, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities.

2. Learned P.O. has sought time to file affidavit in reply. Request is opposed by the learned Counsel for the applicant.

3. Record shows that due opportunities are already availed by the respondents, however, in the interest of justice last chance is granted till 09-08-2023. If reply is not filed on or before the said date, matter will be heard without reply of the respondents.

4. S.O. to 09-08-2023.

ORIGINAL APPLICATION NO. 534 OF 2023

(Shri Tulshiram Honaji Aghav Vs. the state of Maharashtra & Ors.)

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

DATE : 19.07.2023

ORAL ORDER :

Shri R.R. Karpe, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has filed affidavit in reply on behalf of respondents. The same is taken on record along with extra copy for the applicant.

3. S.O. to 02.08.2023 for filing affidavit in rejoinder, if any.

VICE CHAIRMAN

SAS ORAL ORDER 19.07.2023

ORIGINAL APPLICATION NO. 535 OF 2023

(Shri Anil Ravindra Dhumal Vs. the state of Maharashtra & Ors.)

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

DATE : 19.07.2023

ORAL ORDER :

Shri R.R. Karpe, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has filed affidavit in reply on behalf of respondents. The same is taken on record along with extra copy for the applicant.

3. S.O. to 02.08.2023 for filing affidavit in rejoinder, if any.

VICE CHAIRMAN

SAS ORAL ORDER 19.07.2023

ORIGINAL APPLICATION NO. 536 OF 2023

(Shri Gorakh Vishwanathao Dive Vs. the state of Maharashtra & Ors.)

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

DATE : 19.07.2023

ORAL ORDER :

Shri R.R. Karpe, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondents.

3. S.O. to 02.08.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 19.07.2023

ORIGINAL APPLICATION NO. 1091 OF 2022

(Shri Babasaheb Natha Rakte Vs. the state of Maharashtra & Ors.)

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

DATE : 19.07.2023

ORAL ORDER :

Shri A.S. Shelke, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has filed affidavit in reply on behalf of respondent Nos. 1 to 4. The same is taken on record along with extra copy for the applicant.

3. S.O. to 30.08.2023 for filing affidavit in rejoinder, if any.

VICE CHAIRMAN

SAS ORAL ORDER 19.07.2023

ORIGINAL APPLICATION NO. 576 OF 2022

(Shri Subhash Haribhau Puri Vs. the state of Maharashtra & Ors.)

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

DATE : 19.07.2023

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

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

3. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondent Nos. 3 & 4.

4. S.O. to 29.08.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 22 OF 2023

(Shri Sudhakar Onkar Jadhav Vs. the state of Maharashtra & Ors.)

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

DATE : 19.07.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has filed affidavit in reply on behalf of respondent Nos. 1 to 5. The same is taken on record and copy of it is given to learned counsel for the applicant.

3. S.O. to 30.08.2023 for filing affidavit in rejoinder, if any.

VICE CHAIRMAN

SAS ORAL ORDER 19.07.2023

ORIGINAL APPLICATION NO. 103 OF 2022

(Shri Tushar Vijaykumar Veldandi Vs. the state of Maharashtra & Ors.)

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

DATE : 19.07.2023

ORAL ORDER :

Shri S.B. Kakde, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Affidavit in rejoinder filed on behalf of the applicant is taken on record and copy of it is given to learned P.O. for the respondents.

3. S.O. to 25.08.2023 for hearing.

VICE CHAIRMAN

SAS ORAL ORDER 19.07.2023

ORIGINAL APPLICATION NO. 77 OF 2021

(Shri Vishvanath Hiralal Mahindrakar & Ors. 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 : 19.07.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 11.08.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 19.07.2023

O.A.NOS. 375, 376, 418, 428 & 434 ALL OF 2020

(Shri Amol N. Naikwade & Ors. Vs. the state of Maharashtra & Ors.)

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

DATE : 19.07.2023

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicants in all these O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in all these O.As., are present.

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

VICE CHAIRMAN

SAS ORAL ORDER 19.07.2023

DATE :19.07.2023

ORIGINAL APPLICATION NO. 650 OF 2023

(Shri Gangadhar Govind Sontakke V/s The State of Maharashtra & Ors.)

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

1. Shri K.B. Bhise, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 18.08.2023. The case be listed for admission hearing on **18.08.2023**.
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 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 :19.07.2023

ORIGINAL APPLICATION NO. 651 OF 2023

(Shri Shrikant Bhimrao Borade V/s The State of Maharashtra & Ors.)

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

1. Shri K.B. Bhise, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 18.08.2023. The case be listed for admission hearing on **18.08.2023**.
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 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

**ORIGINAL APPLICATION NO. 643 OF 2023
(Dilip Bhimrao Kadam Vs. State of Mah. & Ors.)**

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

DATE : 19.07.2023

ORAL ORDER :

Heard Shri Jiwan J. Patil, learned counsel holding for Shri Adinath B. Jagtap, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that within few days of his resuming charge of the post of Godown Keeper vide order dated 30.6.2023 he has now been shifted from the said post and is assuming work of Vasuli, Dharmaday (वसुली, धर्मादाय). Learned counsel submitted that without assigning any reason the aforesaid order has been passed. Learned counsel submits that the applicant has not yet handed over the charge of his post. In the circumstances, prayer has been made by learned counsel for the applicant to grant interim relief, thereby directing the respondents to continue the charge of existing post of the applicant with him till filing of the affidavit in reply by the respondents.

3. Learned Presenting Officer for want of instructions has expressed her inability to make any submission on the fact. It is however, submitted by her that the

impugned order cannot be said to be an order of transfer and it appears to be an internal arrangement made by head of the office considering the administrative need or administrative convenience.

4. After having heard both the parties, it appears to me that shifting of an employee from his/her existing post also may amount to his/her transfer as defined under Section 2 (g) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. The Government may come out with the particulars which factors necessitated the shifting the applicant from his existing post by filing affidavit in reply till 2.8.2023, **till then the respondents shall allow the applicant to continue to work on his existing post.**

5. S.O. to 2.8.2023.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 644 OF 2023
(Asha Balaji Garud Vs. State of Mah. & Ors.)**

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

DATE : 19.07.2023

ORAL ORDER :

Shri Pralhad D. Bachate, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicant, S.O. to 20.07.2023.

VICE CHAIRMAN

ORAL ORDER 19.07.2023-HDD

**M.A. NO. 321/2023 IN M.A. ST. 1332/2023 IN O.A.
ST. NO. 1333/2023**
**(Shri Bhagatsing U. Singal & 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 : 19.7.2023

ORAL ORDER :

Heard Shri Amol B. Chalak, learned counsel
for the applicants and Shri B.S. Deokar, learned
Presenting Officer for the respondent authorities.

2. By filing the Misc. Application No. 321/2023
the applicant is intending to incorporate some
additional information, contextual prayers, as well
as, impleadment of necessary parties. In the
Original Application notices have not yet been
issued. In the circumstances, I am inclined to allow
the present M.A. Hence, I pass the following order: -

ORDER

(i) The Misc. Application stands allowed.

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M.A. NO. 321/2023 IN
O.A. ST. NO. 1333/2023

- (ii) The necessary amendment be carried out in the O.A. within a week from today and copy of amended O.A. be supplied to other side.
- (iii) There shall be no order as to costs.
- (iv) The O.A. to come up on board on 24.7.2023.

VICE CHAIRMAN

M.A. NO.292/2023 IN O.A. ST. 977/2023
(Shri Suresh L. Gore 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 : 19.7.2023

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in the delay condonation application, returnable on 4.9.2023.

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 4.9.2023.

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

VICE CHAIRMAN

C.P. NO. 14/2023 IN O.A. ST. 533/2022
(Shri Diwakar M. Jadhav 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 : 19.7.2023

ORAL ORDER :

Heard Shri C.V. Thombre, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer has submitted the separate affidavit in replies on behalf of respondent nos. 1, 2 and 3. All the three replies are taken on record and copies of the same are given to the learned counsel for the applicant.

3. S.O. to 2.8.2023 for hearing.

VICE CHAIRMAN

C.P. NO. 39/2023 IN O.A. 1005/2022
(Shri Ganpat H. Darade 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 : 19.7.2023

ORAL ORDER :

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

2. When the present matter is taken up for consideration, the learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent no. 4. Learned P.O. pointed out that in the affidavit in reply of respondent no. 4 it has been impliedly clarified that the proposal is moved and it is pending for consideration of respondent no. 2. The learned P.O. submitted that within a week necessary instructions would be obtained and has, therefore, sought time of a week to make further submissions. In the interest of justice, time granted as prayed for.

3. S.O. to 27.7.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 399/2023
(Shri Aniket B. Rathod Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 400/2023
(Shri Mahesh B. Gavhane Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 401/2023
(Shri Shahadeo M. Bhaware Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 402/2023
(Shri Sunny N. Dhangar 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 : 19.7.2023

ORAL ORDER :

Heard Shri D.K. Dagadkhair, learned counsel for the applicants in all these matters and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in all these matters.

2. On request of learned Presenting Officer time granted for filing the affidavit in reply till 11.8.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 631/2023
(Dr. Rajendra 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. Kachnerkar 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 : 19.7.2023

ORAL ORDER :

Heard S/shri J.B. Choudhary, Shamsunder B. Patil & K.G. Salunke, learned counsel for the respective applicants in respective matters and S/hri I.S. Thorat, B.S. Deokar & Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities in respective matters.

2. Today, when the present matters are taken up for consideration, Shri I.S. Thorat, learned Presenting Officer submitted the copy of communication dated 18.7.2023 received to the office of Chief Presenting Officer at Aurangabad from the State, more particularly from Medical Education and Drugs Department. Along with the said communication the minutes of meeting held on

17.5.2023 of the Civil Services Board are annexed. The communication along with annexure is taken on record and copy of the said document is provided to the learned counsel appearing for the respective applicants.

3. It is the specific contention commonly raised on behalf of all the applicants that none of them has completed the ordinary tenure on the existing post at the existing station. As has been submitted on behalf of Dr. Ankushe, applicant in O.A. No. 631/2023 he has spent only 9 months on his existing post. As per the contention of Dr. Gaikwad, applicant in O.A. No. 632/2023, he is working as Associate Professor at Aurangabad w.e.f. 10.6.2022. According to the contention raised by Dr. Kachanerkar, applicant in O.A. No. 633/2023 he resumed at Aurangabad on 7.11.2020 and he was transferred at Aurangabad vide order dated 3.11.2020. As per say of Dr. June, applicant in O.A. No. 635/2023, he is working as Associate Professor at Ambajogai w.e.f. 19.3.2021.

4. As has been submitted by Shri Thorat, learned P.O. appearing for State authorities Dr. Gaikwad is working at Aurangabad since the year 2012. Previous to 10.6.2022 he worked as Assistant Professor. According to respondents, Dr. Kachanerkar is working at Aurangabad since 7.11.2020 on the post of Associate Professor. As further submitted by learned P.O. Dr. June is working at Ambajogai since 2015. Prior to year 2015 he worked as Assistant Professor. It was thus, sought to be contended by learned P.O. that Dr. Gaikwad and Dr. June both have completed their ordinary tenure at one station i.e. of 3 years.

5. According to the submissions made on behalf of the applicants the impugned transfers are annual general transfers and as such according to them, the respondents were bound to observe the provisions under Section 4(1), (2) & (3) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay In Discharge of Official Duties Act, 2005 (for short "the Transfer Act, 2005). It has been commonly argued that in all these matters the aforesaid provisions are not followed. It has also

been argued that though from the nature of the orders issued, these orders appear to be of the transfers as are annually made, having regard to the date of transfers these orders are the orders passed midterm or mid-tenure. It has also been argued that the procedure for effecting midterm or mid-tenure transfers has also not been followed.

6. While considering the aforesaid submissions advanced on behalf of the applicants, as well as, the respondents and more particularly while going through the contents of the documents produced on record today i.e. the minutes of the meeting of the Civil Services Board, since it could not be gathered as to by invoking which powers under the Transfer Act, 2005 the impugned transfer orders are issued, a query was made with learned P.O. to state as to which provision has been invoked by the State Government while directing the transfers of these applicants and/or while issuing the impugned orders of transfer. At this juncture, it is also to be noted that in none of the orders any provision has been referred to or cited. Learned P.O. submitted that a concrete submission will be made by him after

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O.A.Nos. 631/2023 & Ors.

taking instructions from the competent authority, as to by invoking which powers under the Transfer Act, 2005, the impugned orders are issued. Learned P.O. therefore, sought time of a week.

7. Learned counsel for the applicants while fairly conceding for providing such time to learned P.O. further submitted that in place of the applicants none other officer has yet been posted. It is their further contention that the applicants are stated to have been relieved one sided. It is not in dispute that Dr. June has not yet been relieved. In view of discussion made hereinbefore and having regard to the submissions made by both sides, I deem it appropriate to pass the following order: -

ORDER

(i) Issue notice to respondents, returnable on 1.8.2023, **till then the respondents shall permit Dr. Rajendra T. Ankushe, Dr. Anil A. Gaikwad & Dr. Nilesh Kachanerkar to discharge their duties of their existing posts. Insofar as Dr. Namdev P. June is concerned, he has not yet been relived from his existing post and shall not be relieved till next date.**

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O.A.Nos. 631/2023 & Ors.

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

(iii) 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.

(iv) 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.

(v) 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.

(vi) S.O. to 1.8.2023.

(vii) Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

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

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

DATE : 19.7.2023

ORAL ORDER :

Heard Shri J.B. Choudhary, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri Rahul A. Shinde, learned counsel for respondent no. 6.

2. Learned counsel for respondent no. 6 has sought time to file affidavit in reply on behalf of respondent no. 6. Learned Presenting Officer has submitted the communication dated 18.7.2023 received to the office of Chief Presenting Officer at Aurangabad from the State Government, more particularly from the Medical Education & Drugs Department. Along with the said communication the minutes of meeting held on 17.5.2023 of the Civil Services Board are annexed. The aforesaid document is taken on record and copy of said document is provided to the other side.

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3. Learned counsel for respondent no. 6 has submitted the office order dated 17.7.2023 issued by the Dean of Shri. Bhausahab Hire Government Medical College, Dhule. He also submitted the copy of the office order dated 14.7.2023, whereby the applicant Dr. Bhushan B. Rao has been relieved from the post of Associate Professor in O.B.G.Y. Both the documents are taken on record and copies of the said documents are given to the parties concerned.

4. Learned Presenting Officer has also sought time for filing affidavit in reply. Learned counsel for the applicant has however submitted that till the time respondents file their affidavit in reply an interim order be passed in favour of the applicant, thereby directing the respondents to allow the applicant to continue to discharge duties on the post of Associate Professor in O.B.G.Y.

5. Learned counsel for the applicant submitted that the transfer of the applicant has been ordered only with an object to accommodate respondent no. 6 in his place. Learned counsel submitted that there was no proposal ever moved for the transfer of the

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applicant, though such proposals were made for the transfers of his colleague Associate Professors. Learned counsel submitted that present is case of undue favoritism to respondent no. 6. Learned counsel further submitted that there are certain patent illegalities also, which make out a case for grant of interim relief in favour of the applicant. Learned counsel pointed out that the respondent no. 6 was selected for the post of Associate Professor by the M.P.S.C. and vide order dated 18.1.2023 was given posting on the said post of Associate Professor at Cancer Diagnostic Centre at Aurangabad. Learned counsel pointed out that in spite of posting order as aforesaid the respondent no. 6 did not resume the duties of the post on which she was appointed. Learned counsel pointed out that the respondent no. 6 continued to work as Assistant Professor O.B.G.Y. at Government Medical College, Dhule. Learned counsel further pointed out that respondent no. 6 was relieved from the post of Assistant Professor on 17.7.2023. Learned counsel pointed out that when the respondent no. 6 was working as an Assistant Professor at Dhule till 16.7.2023 and had not joined at Aurangabad in

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pursuance of the order dated 18.1.2023, it is surprising that the order dated 13.7.2023 shows respondent no. 6 working at Cancer Diagnostic Centre at Aurangabad as an Associate Professor and is shown to have been transferred in place of the applicant at Government Medical College at Dhule. Learned counsel further pointed out that the Civil Services Board has specifically rejected the request of respondent no. 6 for her appointment at Dhule instead of at Aurangabad. Learned counsel submitted that by using political pressure the respondent no.6 has procured the impugned order and only with an intent to accommodate her that the applicant has been shifted from Dhule to Aurangabad in his midterm.

6. Learned Presenting Officer and learned counsel for respondent no. 6 have pointed out that the applicant has been relieved from his existing post on 14.7.2023 and respondent no. 6 has been allowed to resume duties in his place w.e.f. 17.7.2023. In premise of the facts as aforesaid, it has been argued by learned P.O. that the prayer for interim relief has become infructuous and no such order can be now passed.

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7. I am, however, not convinced with the submission so made. From the documents, which are produced on record by the applicant, it is apparently revealed that the respondent no. 6 did never join on the place of her appointment made vide order dated 18.1.2023. The documents on the contrary reveal that till 17.7.2023 the respondent no. 6 was discharging his duties as an Assistant Professor at Government Medical College at Dhule. The documents further reveal that though request was made by the respondent no. 6 to give her posting of Associate Professor at Dhule, the said request was turned down by the Civil Services Board. However, it appears that respondent no. 6 got her request approved by the competent authority, since the documents placed on record by the learned P.O. reveal that ultimately the Hon'ble Chief Minister allowed the request of respondent no. 6.

8. The question further arises, even in such circumstances whether the respondents could have given her appointment on the post of Associate Professor at Dhule ? The answer is 'No'.

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9. The documents on record reveal that the respondent No.6 was appointed on the post of Associate Professor as direct recruit by the M.P.S.C. vide order dated 18.01.2023. Perusal of the said order reveals that the respondent No.6 was appointed on the said post vide order dated 18.01.2023 on probation. The probation period was of two years and that was to commence after respondent No.6 resumes the charge of the said post. The documents on record reveal that respondent No.6 did not join at the Cancer Diagnostic Centre at Chhatrapati Sambhajinagar in pursuance of the order dated 18.01.2023. The documents further reveal that till 16.07.2023, respondent No.6 was working as an Assistant Professor at Government Medical College, Dhule and was not relieved from the said post. It is thus, evident that respondent No.6 did never take charge of the post of Associate Professor. In the circumstances, even if the respondents were intending to consider the request of respondent No.6, the respondents must have given her an appointment at Dhule on the post of Associate Professor on probation. However, the order dated

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13.07.2023 demonstrates that she has been transferred from Cancer Diagnostic Centre at Chhatrapati Sambhajanagar to Shri. Bhausaheb Hire Government Medical College, Dhule. Respondent No.6 who did never join at Cancer Diagnostic Centre at Chhatrapati Sambhajanagar has been shown to have been working at the said place and is shown to have been transferred by invoking the provisions under Rule 4(4) (2) and 4 (5) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

10. It is quite apparent that by completely overlooking the fact that the respondent No.6 did not join the post of Associate Professor as per order dated 18.01.2023 and that she was to be given appointment and not the order of transfer, the respondents have issued the order dated 13.07.2023. From the facts as aforesaid there remains no doubt that only with an intention to accommodate respondent No.6 that the applicant has been shifted from Dhule to Aurangabad. The applicant has thus made out *prima-facie* case for granting interim relief in his favour. After having

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considered the entire facts and circumstances, I deem it appropriate to pass the following order:-

ORDER

- (i) Issue notice to the respondents, returnable on 01.08.2023, **till then the respondents are directed to allow the applicant to discharge duties as Associate Professor in O.B.G.Y at Shri. Bhausahab Hire Government Medical College, Dhule.**
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) 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.
- (iv) This intimation/notice is ordered under Rule 11 of the Maharashtra

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

- (v) 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.
- (vi) S.O. to 01.08.2023.
- (vii) Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 395 OF 2022
(Smt. Rajkamal V. Ugile Vs. State of Mah. & Ors.)**

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

DATE : 19.07.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri Ajinkya S. Reddy, learned counsel for respondent Nos. 4, 5 & 6.

2. Shri Ajinkya S. Reddy, learned counsel appearing for respondent Nos. 4, 5 & 6 has tendered affidavit in reply on behalf of the said respondents and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. S.O. to 29.8.2023.

VICE CHAIRMAN

ORAL ORDER 19.07.2023-HDD