

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NOS 843 & 844 OF 2023

DISTRICT : PARBHANI

Bhagwat M. Kavhar
Sunil D. Kakde

)...**Applicants**

Versus

The State of Maharashtra & Ors

)...**Respondents**

Shri M.K Bhosale, learned advocate for the Applicants.

Shri M.S Mahajan, learned Chief Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 20.09.2023

ORDER

1. The applicant in O.A 843/2023 & 844/2023 challenges the impugned order dated 28.6.2023 passed by Respondent No. 5, transferring the applicant in O.A 843/2023 from office of Jayakwadi Irrigation Department, Division No. 8 Daithana to Water Irrigation Branch No. 1, Jintur and applicant in O.A 844/2023 from Jayakwadi Irrigation Department, Division No. 2, Parbhani to Jayakwadi Irrigation Department Sub Division No. 5, Babhalgaon.

2. The applicant Mr Bhagwat M Kavhar is working as Clerk and applicant Mr S.D Kakde is working as Office Measurer. Learned counsel for the applicants submitted that the applicants were transferred on account of complaint filed by one Mr Jadhav, who is leader of National Congress Party. Learned counsel submitted that both the applicants are due for transfer. The

complaints are filed as both the applicants have formed Employees Organization and they are extorting money. Learned counsel submitted that both the applicants have filed criminal case against Mr Jadhav under Sections 415, 416, 417, 418 and 420 of IPC and they have registered private complaints and process is issued. Learned counsel submitted that Mr Jadhav was earlier in Government service in the same department at Parbhani. However, in the year 2020 he lodged complaint against the applicants that they should be disqualified as Member of the Credit Cooperative Society. Thereafter, Mr Jadhav retired. Further the application was decided in favour of the applicants. Learned Counsel submitted that the applicants are not relieved till today by Respondent No. 3, Executive Engineer, Jayakwadi Irrigation Division No. 2, Parbhani.

3. Learned counsel for the applicants prays for interim relief. However, as no valid grounds is shown by the learned counsel for the applicant, the prayer for interim relief is rejected.

4. Learned C.P.O submitted that the applicants have completed their tenure at their present place of posting and they are due for transfer.

5. Learned C.P.O is directed to take instructions from Respondent No. 3, Executive Engineer, whether the applicants are relieved, and if not relieved, as to why they are not relieved.

6. S.O to 4.10.2023.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai

Date : 20.09.2023

Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Date: 20.09.2023 M. A. No.483 of 2023 in O.A.733 of 2023 with O.A.733 of 2023
	<p>S. A. PatilApplicant in the matter between</p> <p>V. J. ManeApplicant</p> <p>Versus</p> <p>The Collector, Solapur & Ors. ...Respondents.</p> <p>1. Heard M. D. Lonkar, learned Counsel for the Applicant in M.A.483/2023, Smt. Punam Mahajan, learned Counsel for the Applicant in O.A.733/2023 and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for Applicant in M.A.No.483/2023 states that composite proposal to fill up-some posts of Circle Officers of Solapur District including Circle Officer, Tirhe Solapur District had been sent by the Collector, Solapur, the Respondent No.1 to the office of Divisional Commissioner, Pune Division on 19.06.2023 and thereupon by letter dated 04.07.2023, the Divisional Commissioner, Pune Division approved the proposal as required under provisions of Section 4(5) of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005 subject to the order that may be passed in this O.A.No.733/2023.</p> <p>3. Learned Advocate for the Applicant in O.A.No.733/2023 stated that the Collector, Solapur, the Respondent No.1 has not issued any order in respect of the Applicant in M.A.No.483/2023 which establishes any legal right for him to be posted on the Vacant Post of Circle Officer, Tirhe Solapur District which has been directed to be kept vacant till the filing of reply by learned P.O. Further even if</p>

any proposal for the post of Circle Officer, Tirhe Solapur District stands approved by the Divisional Commissioner, Pune on 04.07.2023, there is no communication to the Applicant in M.A.No.483/2023 to make him Respondent No.4 in O.A. No.733/2023.

4. Learned Advocate for the Applicant in M.A.No.483/2023 fairly admits that he is not in receipt of any communication with regard to his transfer to the post Circle Officer, Tirhe Solapur District and has no documentary evidence to establish it as the Applicant in M.A.No.483/2023 has not sought any information from Collector, Solapur- Respondent No.1 or Divisional Commissioner, Pune in this regard under the 'RTI Act, 2005.'

5. Learned Advocate for the Applicant in M.A.483/2023 and learned Advocate for the Applicant in O.A.No.733/2023 were heard at length about the maintainability of the M.A.No.483/2023. Although no formal communication has been made by Collector Solapur- Respondent No.1 to the Applicant in M.A.483/2023; and thus no Legal Right is established for Applicant to be made Respondent No.4 in O.A.No.733/2023; nevertheless, it remains a fact that as per 'Exhibit R-2' and 'Exhibit R-3' of the 'Affidavit in Reply' filed by on behalf of the 'Collector Solapur- Respondent No.1 on 19.07.2023 there is evidence on record that proposal to appoint the Applicant in 'M.A. No.483/2023' on the 'Vacant Post' of 'Circle Officer', Tirhe Solapur District has been approved by Divisional Commissioner, Pune subject to decision of the O.A. No.733/2023. Against these facts of the case, the M.A. No.483/2023 is dismissed but in the interest of justice an opportunity is accorded to Applicant in 'M.A.No.483/2023' to be heard along with learned P.O. at the time of 'Final Hearing'; but not as Respondent No.4 in 'O.A. No.733/2023.'

6. 'Interim Relief' to continue till 'Next Date' of hearing of O.A.733/2023.

7. S.O. to 04.10.2023.


(Debashish Chakrabarty)
Member(A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 20.09.2023

O.A.No.1207 of 2023

Shri Ramesh B. GaikwadApplicant

Versus

The State of Maharashtra & Ors. ...Respondents.

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Counsel for the Applicant states that Applicant was working on the post of API, Paud Police Station, Pune and his services [REDACTED] come to be attached temporarily to Control Room, Pune Rural till further orders by S.P., Pune (Rural) by order dated 15.09.2023. Learned Counsel also states that the due procedure which is expected to be observed under Section 22(N) of Maharashtra Police Act, 1951 has not been followed by the SP, Pune Rural.

3. Learned P.O. states that she still has to [REDACTED] receive instructions from the office of SP, Pune Rural and seeks some time.

4. In the meantime, the Applicant is permitted to continue to work on his earlier post of API, Paud Police Station, Pune. Interim Relief is granted till next date.

5. The office objection, if any, are to be removed and court fees to be paid, if not already paid.

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

6. Issue notice before admission returnable on
~~04~~ 10.2023.

7. 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 O.A. Private service is allowed. Respondents are put to notice that the case may 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.

9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.

11. S.O. to ~~04~~ 10.2023.

12. Hamdast granted.

Sd/-

(Debashish Chakrabarty)
Member(A)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p>O.A.No.677/2022 with M.A.No.271/2023 (Through video conference) (A'bad)</p> <p>A.K. Bhusane & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.G. Salunke, learned Counsel for the Applicants and Mr. M.S. Mahajan, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of learned C.P.O. adjourned to 04.10.2023 for filing affidavit-in-reply of Home Department. P.H.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Date : 20.09.2023

O.A.No.880 of 2023 to O.A.No.885 of 2023 with
O.A. No.888 of 2023 with O.A.1033 of 2023 with O.A.1034 of
2023 with O.A. No.1131 of 2023 with O.A.983 of 2023
with O.A.1017 of 2023 with O.A.887 of 2023 with
O.A.958 of 2023

Dr. P. G. Kulkarni & Ors.

Dr. M.S. Umate

Dr. B. A. Verma

Dr. U.Rajwade @ U.R. Badole

Dr. R. M. Nimbalkar

Dr. C. D. Hathial

D. R. Katke

Dr. R. V. Deshpande

Dr. S. V. Mahadeshwar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri M. D. Lonkar, Shri K. R. Jagdale and Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Smt. Kranti Gaikwad, Smt. Archana B. K. and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Learned P.O. on instructions from the officer present on behalf of Dean, Grant Medical College, Mumbai submits that bills for payment of 'Salary and Allowances' have since been prepared and submitted to the 'Pay and Accounts Office'. She further submits that bills for the earlier period from the 'Date of Interim Relief' to the Date of Joining' have also been prepared and after the 'Salary and Allowances' relating to the bills already submitted to the 'Pay and Accounts Office' are disbursed to the Professors, Associate Professors, Assistant Professor, the prepared bills will be forthwith submitted to 'Pay and Accounts Office'.
3. Learned P.O. is directed to ensure that payments of all 'Salary and Allowances' are made without delay by the 'Dean, Govt. Medical College, Mumbai.'
4. Learned Advocate in O.A.No.1131/2023 has requested to tag it along with these group of OAs.
5. Learned P.O. seeks One Week time.
6. Time is granted to file reply on behalf of Dean, Grant Medical College, Mumbai.
5. S.O. to 27.09.2023.

Sd/-

(Debashish Chakrabarty)
Member(A)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 847 OF 2023 (AURANGABAD)
THROUGH VIDEO CONFERENCE**

DISTRICT : HINGOLI

Dr Pradyumna H. Warwantkar)...**Applicant**

Versus

The State of Maharashtra & Ors)...**Respondents**

Ms Pradnya Talekar, learned advocate for the Applicant.

Shri M.S Mahajan, learned Chief Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)


DATE : 20.09.2023

ORDER

1. The applicant prays that this Tribunal be pleased to quash and set aside the impugned order dated 29.8.2023 transferring the Respondent no. 6 at District Tuberculosis Centre, Hingoli and the order dated 7.9.2023 issued by Respondent No. 5, thereby relieving the applicant from the post of Medical Officer, District Tuberculosis Centre, Hingoli.

2. Learned counsel has submitted that the applicant was transferred by order dated 10.6.2023 from Primary Health Centre, Jawala Bajar, Aundha Nagnath, Hingoli to Sub District Hospital, Kalmnuri, Hingoli. Learned counsel submits that pursuant to the

said order the applicant submitted representation to the District Health Officer, Zilla Parishad, Hingoli, requesting to relieve him so as to enable him to join at Sub District Hospital, Kalmnuri, Hingoli. The applicant was relieved on 13.7.2023 by Respondent No. 4, and he joined at Sub District Hospital, Kalmnuri, Hingoli. However, he was informed that some officer is already transferred and he has taken charge at Kalmnuri, Hingoli and the applicant was directed to approach the Deputy Director, Health Services, Respondent No. 3. As per the directions, the applicant approached the Deputy Director, Health Services, Aurangabad and thereafter he was given temporary posting by order dated 24.7.2023 as Medical Officer, District Tuberculosis Centre, Hingoli. The applicant joined the said post on 24.7.2023. He worked there for two months. Learned counsel submitted that a proposal for regularizing the applicant on the said post was forwarded by Respondent no. 5, District Tuberculosis Officer, Hingoli, through Respondent No. 3 to Deputy Director, Health Services, Respondent No. 2. However, by order dated 29.8.2023, Respondent No. 1, transferred Respondent No. 6 in place of the applicant. Learned counsel submitted that in the said order dated 29.8.2023, the post at Hingoli, was shown vacant and Respondent No. 6 was posted on his request. However, in between on 7.9.2023, the Respondent No. 6 took charge of the said post. The applicant continued to work till 11.9.2023 and he was relieved on that date by Respondent No. 5. Thus, though there was one post and as the applicant was not relieved, the applicant and Respondent No. 6 worked on the same for the period 7.9.2023 to 11.9.2023. After receiving the reliving order on 11.9.2023, till today the applicant is left without posting. Learned counsel further submitted that the applicant is having 10 year's old daughter and applicant took admission for her in 5th standard in School at Hingoli. Learned counsel submitted that Respondent No. 6 is not served and stated that he will be served.



3. Learned C.P.O seeks time to take instructions in the matter.
4. If the facts stated by the learned counsel for the applicant are true and correct, then it appears prima facie that there is blatant illegality. Learned C.P.O is directed to go through the record and place all the relevant papers before the Tribunal on the next date.
5. S.O to 25.9.2023 at 10.00 am.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 20.09.2023
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p align="center">O.A.No.575/2014 (Aurangabad) (D.B.) (through video conferencing)</p> <p>D.B. PatilApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. A.D. Gadekar, learned Counsel for the Applicant and Mr. N.U. Yadav, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant has submitted written notes of arguments. Copy of the same is served to learned P.O. as well.</p> <p>3. Adjourned to 04.10.2023. P.H.</p> <p align="center">Sd/- (<i>Medha Gadgil</i>) Member (A)</p> <p align="center">Sd/- (<i>Mridula Bhatkar, J.</i>) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p style="text-align: center;">O.A.No.252/2022 (Aurangabad) (D.B.) (through video conferencing)</p> <p>Dr. Sudhir V. BhiseApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.G. Salunke, learned Counsel for the Applicant and Mr. I.S. Thorat, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant has submitted that the Applicant was given adhoc promotion on the post of Associate Professor and he was working on the said post on adhoc basis during the period from 18.06.2015 to 21.08.2019. Thereafter, he was given regular promotion on 22.03.2019. Learned Counsel prays that the period during which the Applicant was working on adhoc basis with technical break is to be treated as continuous service and applicant be granted the benefits at par as per G.R. dated 22.03.2018.</p> <p>3. Learned P.O. for the Respondents seeks time to file reply. In the meantime, if at all, Applicant makes representation the same be decided forthwith.</p> <p>4. Adjourned to 18.10.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil) Member (A)</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>20.09.2023</u></p> <p style="text-align: center;"><u>O.A 831/2023 (Aurangabad)</u> <u>(Through Video Conference)</u></p> <p>Dr Mukram, Gulam Ghouse Khan ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri J.B Choudhary, learned counsel for the applicant and Shri Milind Mahajan, learned C.P.O for the Respondents.</p> <p>2. In the present case, learned counsel submits that the applicant is relieved on 13.7.2023. However, he has not joined his post where he is transferred and he prays that he should be given the same relief granted in O.A Nos 884, 885 & 888/2023 by order dated 21.7.2023.</p> <p>3. Learned counsel for the applicant on query submits that nobody is posted in place of the applicant at Dhule and therefore he be allowed to continue at Dhule.</p> <p>4. Learned C.P.O submits that the applicant be directed to join at the Miraj, where he is transferred by order dated 13.7.2023.</p> <p>5. Even though the applicant is relieved, if nobody is posted at his place at Dhule and similar order dated 21.7.2023 is passed by this Tribunal in O.A Nos 884, 885 & 888/2023 after considering the provisions of ROT Act, 2005, and therefore in view of the parity, the applicant is allowed to continue at his place of posting at Dhule and he should join immediately.</p> <p>6. S.O to 27.9.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p>O.A.No.1060 of 2023</p> <p>A. M. ChormaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that although long period of time has lapsed lapsed since the O.A. was last heard on 22.08.2023, till date no reply is filed by the Respondents.</p> <p>3. Learned P.O. submits that they have not received para-wise remarks from the concerned department and seeks two weeks time to file reply.</p> <p>4. The matter is adjourned to 03.10.2023 to file reply by way of last chance.</p> <p>5. S.O. to 03.10.2023.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member(A)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p align="center">O.A.No.1051 to 1055 of 2023</p> <p>Dr. M. P. Tambe & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicants, Smt. Kranti Gaikwad and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Interim relief by order dated 23.08.2023 is continued till next date.</p> <p>3. These Original Applications be tagged along with O.A.No.1136/2023, O.A.1137/2023, O.A.1142/2023, O.A.1122/2023, O.A.1123/2023 and O.A.1199/2023.</p> <p>4. S.O. to 06.10.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member(A)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p align="center">O.A.No.902 of 2023</p> <p>B. B. AunseApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaiwad, learned Presenting Officer for the Respondents.</p> <p>2. The matter is admitted and kept for final hearing.</p> <p>3. S.O. to 25.09.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member(A)</p> <p>vsm</p>


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 20.09.2023
	O.A.No.945 of 2023
	R. K. BhosaleApplicant
	Versus
	The State of Maharashtra & Ors. ...Respondents.
	<ol style="list-style-type: none">1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.2. On request of learned Counsel for the Applicant and learned P.O. for the Respondents, the matter is adjourned to 21.09.2023.3. S.O. to 21.09.2023 as Part-Heard.
	Sd/-  (Debashish Chakrabarty) Member(A)
	vsm

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.1191/2023</u></p> <p>U.B. Sankpal ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. The Applicant is working as Joint Commissioner of State Tax/GST. He challenges the D.E. which is initiated on 07.03.2014. 3. Allowed to add the interim prayer. 4. Issue notice returnable on 04.10.2023. 5. Tribunal may take the case for final disposal at this stage and 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 O.A. 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. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed. 7. 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 within one week. Applicant is directed to file Affidavit of compliance and notice. 9. S.O. to 4th October, 2023. <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson 15.09.2023</p> <p style="text-align: center;">Sd/- Member-A 15.09.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>O.A.1194/2023</u>
	<p>N.H: Patil ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice returnable on 29.09.2023.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>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 O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>6. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed.</p> <p>7. 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 within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>8. S.O. to 29th September, 2</p>
	<p>Sd/- (Mridula Bhatkar, J.) Chairperson 15.09.2023</p>
	<p>Sd/- 15.09.2023</p>
	<p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.1128/2023</u></p> <p>A.T. Sakore ... Applicant Vs. The State of Mah. & Ors. ... Respondents</p> <p>1. Heard Shri B. Deshmukh, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Interim relief to continue.</p> <p>3. S.O. to 10th October, 2023 in urgent admission caption.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Debashish Chakrabarty) / (Mridula Bhatkar, J.) Member-A Chairperson 15.09.2023 15.09.2023</p> <p>(skw)</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A.1162/2023

B.R. Behere

... Applicant

Vs.

The State of Mah. & Ors.

... Respondents

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant, Smt. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Shri Prakash Shejal, learned Advocate for Respondent No.3 - BMC.
2. Ld. CPO submits that a proper procedure is not followed by Additional Municipal Commissioner (Projects) in BMC.
3. The letter dated 12.04.2023 is not proposal in proper procedure as it should have been addressed to Parent Department i.e. Urban Development Department (UDD) and the UDD to request the Government in Revenue Department to give the substitute or to continue the services of the Applicant.
4. Ld. CPO submits that as the Applicant was relieved by order dated 11.04.2023, he was unilaterally relieved by the Government and directed to join on 13.04.2023. It was also mentioned that if at all he was not joined on or before 13.04.2023, then the Government will take some disciplinary action against him.
5. The Respondent No.3 is directed to file reply.
6. We are informed by the learned Advocate for the Applicant that today also the Applicant is working in BMC, as the Applicant is not yet relieved by BMC. We asked the learned Advocate for BMC to verify this position.
7. Suo motu we add UDD as a party because it is a parent department of BMC. We also call upon the BMC to state what is the procedure to make proposal for demanding the officer on deputation or requesting to retain the same officer.
8. The Applicant to add UDD as Respondent No.4 and directed to serve on Principal Secretary, UDD.
9. S.O. to 22nd September, 2023 for urgent admission caption.

Sd/-

Sd/-

Member-A
15.09.2023

(Mridula Bhatkar, J.)
Chairperson
15.09.2023

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A.1181/2023

K.P. Pawar

... Applicant

Vs.

The State of Mah. & Ors.

... Respondents

1. Heard Shri B.B. Tiwari holding for Shri A.N. Naikwadi, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The Applicant who is working as Assistant District Supply Officer prays that the Respondents be directed to consider the representations dated 24.04.2023, 28.08.2023 and 06.09.2023 made by the Applicant to Respondent No.2 that his name be considered for promotion to the post of Deputy Collector from Tahsildar Cadre. He also prays that Respondents be restrained from implementing the order dated 29.08.2023. The said order is regarding giving ad-hoc promotions to the post of Deputy Collector from Tahsildar Cadre.

3. We make it clear that if prayer of directing the Respondents not to implement the order dated 29.08.2023 is pressed, then it is necessary for the Applicant to add the persons who are going to be affected as Party Respondents.

4. Ld. Advocate for the Applicant submits that he is not pressing the relief clause (b) in this O.A. However, he prays that the Respondents be directed to consider and decide the representations made by the Applicant within short time.

5. Considering the relief now prayed is singular, we direct the concerned officer of Revenue & Forest Department to decide the representations made by the Applicant within four weeks without fail and it communicated to the Applicant within a week thereafter.

6. Considering the limited relief, O.A. is disposed of.

Sd/-

Sd/-

(Debashish Chakrabarty) / (Mridula Bhatkar, J.)
Member-A Chairperson
15.09.2023 15.09.2023

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>20.09.2023</u></p> <p align="center"><u>O.A 586/2023 (Aurangabad)</u> <u>Through Video Conference</u></p> <p>U.R Kavle ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.B Jadhav, learned counsel for the applicant and learned P.O for the Respondents.</p> <p>2. Learned C.P.O submits that pursuant to the order dated 30.8.2023 directing the Respondents to consider the representation and file reply. Learned C.P.O submits that he has received communication from Respondent No. 1 that the meeting of the Civil Services Board will be held within a weeks' time and thereafter the proposal will be submitted to the Hon'ble Chief Minister.</p> <p>3. Learned C.P.O in view of the above seeks' time to file reply.</p> <p>4. S.O to 4.10.2023.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>20.09.2023</u></p> <p><u>O.A 807 & 808/2023 (Aurangabad bench)</u> <u>Through Video Conference</u></p> <p>Dr S.H. M Tambe Dr S.N Gadappa ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.R Kulkarni, learned counsel for the applicants and Shri M.S Mahajan, learned C.P.O and Shri D.R Patil, learned P.O for the Respondents.</p> <p>2. Learned P.O seeks time to file reply.</p> <p>3. Time granted. Interim relief to continue till then.</p> <p>4. S.O 11.10.2023.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p>O.A.No.909 of 2023</p> <p>S. S. SagwekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant, Smt. Archana B. K., learned Presenting Officer for the Respondent No.1 and Smt. Punam Mahajan, learned Counsel for Respondent No.2</p> <p>2. Learned Counsel for the Respondent No.2 submits that 'Affidavit in Reply' will be filed during the course of the day. The statement is accepted. It be taken on record.</p> <p>3. Learned P.O. requested for time to file 'Additional Affidavit' and seeks short adjournment.</p> <p>4. S.O. to 25.09.2023.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member(A)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

IN

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p align="center">O.A.No.868 of 2023</p> <p>N. N. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. P. Kharkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant submits that enough time was given to Respondents to file reply and to seek information as to by which time G.A.D. would review the definition of 'Mentally Retarded' not only in Notification dated 14.07.2021 but thereafter in respect of all GR's and GC's dealing with the subjects of 'Transfer and Deputation' to bring them in alignment with provisions of 'Section 2' and 'Schedule' under 'Right to Person with Disabilities Act, 2016'.</p> <p>3. Learned Counsel for the Applicant has also placed on record recent judgments of the Tribunal which also dealt with the issue of 'Care-givers'.</p> <p>4. On request of learned P.O., one week time is granted to file reply by way of last chance.</p> <p>5. S.O. to 29.09.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member(A)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders Date : 20.09.2023</p>
	<p>O.A.No.945 of 2023</p> <p>R. K. BhosaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant and learned P.O. for the Respondents, the matter is adjourned to 21.09.2023.</p> <p>3. S.O. to 21.09.2023 as Part-Heard.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member(A)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p align="center">O.A.No.902 of 2023</p> <p>B. B. AunseApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The matter is admitted and kept for final hearing.</p> <p>3. S.O. to 25.09.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member(A)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p align="center">O.A.No.1207 of 2023</p> <p>Shri Ramesh B. GaikwadApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. Learned Counsel for the Applicant states that Applicant was working on the post of 'API, Paud Police Station, Pune and his services [REDACTED] come to be attached temporarily to Control Room, Pune Rural till further orders by S.P., Pune (Rural) by order dated 15.09.2023. Learned Counsel also states that the due procedure which is expected to be observed under Section 22(N) of Maharashtra Police Act, 1951 has not been followed by the 'SP, Pune Rural.' 3. Learned P.O. states that she still has to [REDACTED] receive [REDACTED] instructions from the office of 'SP, Pune Rural' and seeks some time. 4. In the meantime, the Applicant is permitted to continue [REDACTED] to work on his earlier post of 'API, Paud Police Station, Pune.' Interim Relief is granted till next date. 5. The office objection, if any, are to be removed and court fees to be paid, if not already paid.

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

6. Issue notice before admission returnable on 03.10.2023.

7. 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 O.A. Private service is allowed. Respondents are put to notice that the case may 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.

9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/ Miscellaneous Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Application shall stand dismissed.

11. S.O. to 03.10.2023.

12. Hamdast granted.

Sd/-

(Debashish Chakrabarty)
Member(A)

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p>O.A.No.646 of 2023</p> <p>Shri S. R. BhadangeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that she requires time to file 'Sur-Rejoinder.'</p> <p>3. Liberty is granted to file 'Sur-Rejoinder.'</p> <p>4. S.O. to 05.10.2023 (Higher on Board).</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member(A)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p>O.A.No.1004 of 2023 with O.A.No. 1011 of 2023</p> <p>K. H. Yadav S. M. JadhavApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Shri C. T. Chandratre, learned Counsel for the Applicant has sent leave note. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. On request of learned P.O., these matters are adjourned to 06.10.2023 along with O.A.No.1044/2023 and O.A.No.1050/2023.</p> <p>3. S.O. to 06.10.2023.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member(A)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No.

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

<p style="text-align: center;">Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p style="text-align: center;">Date: 15.09.2023 Tribunal's orders</p> <hr/> <p style="text-align: center;">O.A. No.769 of 2023</p> <p>U.S. SuryawanshiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The present O.A. No.769 of 2023 also relates to his earlier Transfer Orders dated 17.08.2020 & 08.02.2022 for which 'C.S.B.' meeting were conducted under me while working on the post of 'Additional Chief Secretary, Planning Department,'. Therefore it would be appropriate to recuse myself from hearing this O.A. No.769 of 2023 and place for further hearing before another 'Single Bench'. Learned Advocate for the Applicant states that she has 'No Objection' about this 'Single Bench' hearing O.A. No.769/2023. Learned P.O. states that he also has 'No Objection' about hearing O.A. No.769/2023 by this 'Single Bench'.</p> <p>3. Learned Advocate for the Applicant has given information about availability of 'Vacant Posts' of (i) 'District Planning Officer, Sangli' and (ii) 'Deputy Director, District Statistical Officer, Satara'.</p> <p>4. Learned P.O. states that request of the Applicant is now being considered for the post of 'Deputy Director, District Statistical Office, Ahmednagar'.</p> <p>5. Learned Advocate for the Applicant states that</p>
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Learned P.O. directed to seek information as to whether the Respondents No.1 & 2 are willing to consider Applicants request for posting to any of the above stated 'Vacant Posts' considering the fact that he has worked at 'Tribal Areas of Nandurbar District' for long period of time and has repeatedly made representations in this regard to Respondents No.1 and 2 on 19.04.2021, 08.10.2021, 11.10.2021, 11.04.2023 and 20.04.2023.</p> <p>7. S.O. to 22.09.2023.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member (A)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p align="center">O.A.No.596 of 2023</p> <p>A. S. GaikwadApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. sought permission to tender 'Affidavit in Reply'.</p> <p>3. Learned P.O. was informed that the O.A. was to proceed without the 'Affidavit-in-Reply' and accordingly had been kept for 'Final Hearing'. However, on the insistence of learned P.O. and taking into consideration that opportunity be accorded to the Respondents, in the interest of justice, learned P.O. is allowed to file the 'Affidavit-in-Reply'. It be taken on record. Learned P.O. is directed to serve the copy of 'Affidavit-in-reply' to learned Advocate for the Applicant.</p> <p>4. S.O. to 21.09.2023 for 'Final Hearing'.</p> <p align="right">Sd/-</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p>O.A.No.1060 of 2023</p> <p>A. M. ChormaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that although long period of time has lapsed lapsed since the O.A. was last heard on 22.08.2023, till date no reply is filed by the Respondents.</p> <p>3. Learned P.O. submits that they have not received para-wise remarks from the concerned department and seeks two weeks time to file reply.</p> <p>4. The matter is adjourned to 03.10.2023 to file reply by way of last chance.</p> <p>5. S.O. to 03.10.2023.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member(A)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 20.09.2023</p> <p align="center">O.A.No.1051 to 1055 of 2023</p> <p>Dr. M. P. Tambe & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicants, Smt. Kranti Gaikwad and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Interim relief by order dated 23.08.2023 is continued till next date.</p> <p>3. These Original Applications be tagged along with O.A.No.1136/2023, O.A.1137/2023, O.A.1142/2023, O.A.1122/2023, O.A.1123/2023 and O.A.1199/2023.</p> <p>4. S.O. to 06.10.2023.</p> <p align="right">Sd/- (Debashish Chakrabarty) Member(A)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NOS 843 & 844 OF 2023

DISTRICT : PARBHANI

Bhagwat M. Kavhar

Sunil D. Kakde

)...**Applicants**

Versus

The State of Maharashtra & Ors

)...**Respondents**

Shri M.K Bhosale, learned advocate for the Applicants.

Shri M.S Mahajan, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula Bhatkar (Chairperson)**

DATE : **20.09.2023**

ORDER

1. The applicant in O.A 843/2023 & 844/2023 challenges the impugned order dated 28.6.2023 passed by Respondent No. 5, transferring the applicant in O.A 843/2023 from office of Jayakwadi Irrigation Department, Division No. 8 Daithana to Water Irrigation Branch No. 1, Jintur and applicant in O.A 844/2023 from Jayakwadi Irrigation Department, Division No. 2, Parbhani to Jayakwadi Irrigation Department Sub Division No. 5, Babhalgaon.

2. The applicant Mr Bhagwat M Kavhar is working as Clerk and applicant Mr S.D Kakde is working as Office Measurer. Learned counsel for the applicants submitted that the applicants were transferred on account of complaint filed by one Mr Jadhav, who is leader of National Congress Party. Learned counsel submitted that both the applicants are due for transfer. The

complaints are filed as both the applicants have formed Employees Organization and they are extorting money. Learned counsel submitted that both the applicants have filed criminal case against Mr Jadhav under Sections 415, 416, 417, 418 and 420 of IPC and they have registered private complaints and process is issued. Learned counsel submitted that Mr Jadhav was earlier in Government service in the same department at Parbhani. However, in the year 2020 he lodged complaint against the applicants that they should be disqualified as Member of the Credit Cooperative Society. Thereafter, Mr Jadhav retired. Further the application was decided in favour of the applicants. Learned Counsel submitted that the applicants are not relieved till today by Respondent No. 3, Executive Engineer, Jayakwadi Irrigation Division No. 2, Parbhani.

3. Learned counsel for the applicants prays for interim relief. However, as no valid grounds is shown by the learned counsel for the applicant, the prayer for interim relief is rejected.

4. Learned C.P.O submitted that the applicants have completed their tenure at their present place of posting and they are due for transfer.

5. Learned C.P.O is directed to take instructions from Respondent No. 3, Executive Engineer, whether the applicants are relieved, and if not relieved, as to why they are not relived.

6. S.O to 4.10.2023.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai


Date : 20.09.2023

Dictation taken by : A.K. Nair.

Date : 20.09.2023

O.A.No.847/2023
(Through video conference) (A'bad)Dr. Pradyumna H. WarwantkarApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Pradnya Talekar, learned Counsel for the Applicant. Mr. M.S. Mahajan, learned Chief Presenting Officer for the Respondents and Mr. J.S. Deshmukh, learned Counsel for Respondent No.6.
2. Learned Counsel for Respondent No.6 informs that Dr. Abhijeet Ganesh Bangar (Respd. No.6) was working in Kalmnuri, Hingoli from August 2019 and so he is due for transfer since June. 2023.
3. Learned Counsel for the Applicant has submitted that by order dated 10.06.2023 four medical officers were transferred at Kalmnuri. The names of those four medical officers are
 - (i) Dr. P.H. Warwantkar
 - (ii) Dr. Priya Nakade
 - (iii) Dr. Raut
 - (iv) Dr. Sheshrao Narvade.
4. Learned Counsel for the Applicant has submitted that there were total 12 posts available at Kalmnuri, Rural Hospital and out of 4 officers. 3 officers joined in June, 2023. However, the Applicant joined late i.e. on 13.07.2023.
5. Respondent No.6 seeks time to file affidavit-in-reply. Time granted to Respondent No.6 to file affidavit by 27.09.2023. Copy of the same be served upon the concerned and also to forward the copy of affidavit to Mumbai Bench.
6. I am informed by learned C.P.O. that the transfer of Respondent No.6 is on request and such transfer is not made along with general transfers. I would like to know when request transfers are made and such request transfers are made throughout the year and whether the request transfer is considered as special reason and exceptional circumstance under Section 4(4) of the Maharashtra Government Servants (Regulation of Transfer and Prevention of Delay in Discharge of official Duties) Act, 2005.
7. Deputy Secretary / Under Secretary to remain present in the Tribunal on the next date.
8. By way of interim relief, the Applicant to continue at his present posting at Hingoli.
9. Adjourned to 29.10.2023 at 10.00 a.m.



(Mridula Bhatkar, J.)
Chairperson

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NOS 843 & 844 OF 2023

DISTRICT : PARBHANI

Bhagwat M. Kavhar
Sunil D. Kakde

)...**Applicants**

Versus

The State of Maharashtra & Ors

)...**Respondents**

Shri M.K Bhosale, learned advocate for the Applicants.

Shri M.S Mahajan, learned Chief Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 20.09.2023

ORDER

1. The applicant in O.A 843/2023 & 844/2023 challenges the impugned order dated 28.6.2023 passed by Respondent No. 5, transferring the applicant in O.A 843/2023 from office of Jayakwadi Irrigation Department, Division No. 8 Daithana to Water Irrigation Branch No. 1, Jintur and applicant in O.A 844/2023 from Jayakwadi Irrigation Department, Division No. 2, Parbhani to Jayakwadi Irrigation Department Sub Division No. 5, Babhalgaon.

2. The applicant Mr Bhagwat M Kavhar is working as Clerk and applicant Mr S.D Kakde is working as Office Measurer. Learned counsel for the applicants submitted that the applicants were transferred on account of complaint filed by one Mr Jadhav, who is leader of National Congress Party. Learned counsel submitted that both the applicants are due for transfer. The

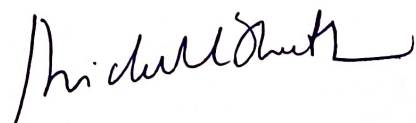
complaints are filed as both the applicants have formed Employees Organization and they are extorting money. Learned counsel submitted that both the applicants have filed criminal case against Mr Jadhav under Sections 415, 416, 417, 418 and 420 of IPC and they have registered private complaints and process is issued. Learned counsel submitted that Mr Jadhav was earlier in Government service in the same department at Parbhani. However, in the year 2020 he lodged complaint against the applicants that they should be disqualified as Member of the Credit Cooperative Society. Thereafter, Mr Jadhav retired. Further the application was decided in favour of the applicants. Learned Counsel submitted that the applicants are not relieved till today by Respondent No. 3, Executive Engineer, Jayakwadi Irrigation Division No. 2, Parbhani.

3. Learned counsel for the applicants prays for interim relief. However, as no valid grounds is shown by the learned counsel for the applicant, the prayer for interim relief is rejected.

4. Learned C.P.O submitted that the applicants have completed their tenure at their present place of posting and they are due for transfer.

5. Learned C.P.O is directed to take instructions from Respondent No. 3, Executive Engineer, whether the applicants are relieved, and if not relieved, as to why they are not relieved.

6. S.O to 4.10.2023.



(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai

Date : 20.09.2023

Dictation taken by : A.K. Nair.