

**M.A. 239/2023 IN M.A. 359/2022 IN O.A.NO. 729/22
(Dnyaneshwar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

**M.A. 257/2023 IN IN M.A. 563/22 IN O.A. 730/2022
(Gajanan P. Chaudhari & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Justice Shri P.R. Bora, Vice Chairman

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

DATE : 20.12.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants in M.A. No. 239/2023 and in O.A. No. 729/2022, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Amol CHalak, learned counsel for the applicants in M.A. No. 359/2022 , are present.

Shri V.G. Pingle, learned counsel for the applicants in M.A. No. 257/2023 and in O.A. No. 730/2022 and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

Shri R.A. Joshi, learned counsel for applicants in M.A. No. 563/2023 in O.A. No. 730/2022, is present.

2. S.O. to 24.1.2024. Interim Relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 794/2022
(Ishvar S. Survase Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

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

DATE : 20.12.2023

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.1.2024 for hearing. Interim Relief granted earlier to continue till then.

VICE CHAIRMAN

**O.A. NOS. 375, 376, 418, 428 AND 434 ALL OF 2020
(Amol Naikwade & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Justice Shri P.R. Bora, Vice Chairman

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

DATE : 20.12.2023

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters, are present.

2. S.O. to 24.1.2024 for hearing. Interim Relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 196/2021
(Sandip P. More Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

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

DATE : 20.12.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.1.2024 for hearing. Interim Relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 64/2022
(Bhimrao K. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

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

DATE : 20.12.2023

ORAL ORDER :

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

2. S.O. to 25.1.2024 for hearing. Interim Relief granted earlier to continue till then.

VICE CHAIRMAN

M.A. NO. 60/2020 IN O.A. ST. NO. 2451/2019
(Priti V. Sangolkar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 20.12.2023

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for
Shri R.D. Khadap, learned counsel for the applicant and
Shri M.S. Mahajan, learned Chief Presenting Officer for
the respondent authorities, are present.

2. Learned Presenting Officer has tendered the
affidavit in reply on behalf of respondent no. 2.
Same is taken on record and copy thereof has been
supplied to other side.

3. S.O. to 15.1.2024.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 988/2023
(Venkatesh V. Mundhe Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

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

DATE : 20.12.2023

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned Chief Presenting Officer has tendered the affidavit in reply on behalf of respondent no. 1. Same is taken on record and copy thereof is supplied to other side.

3. S.O. to 2.2.2024.

VICE CHAIRMAN

M.A. St. No. 2408/2023 in O.A. No. 487/2020
(Usha R. Bahirat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 21.12.2023.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

M.A. No. 570/2023 in O.A. St. No. 2370/2023
(Shrawan G. Chabukswar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri S.R. Kolhare, learned counsel for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 26.02.2024.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

**M.A. St. No. 1656/2023 in O.A. St. No. 1657/2023
(Ganpat S. Rathod & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri A.G. Talhar, learned counsel for the applicants (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 26.02.2024.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

M.A. St. No. 1690/2023 in O.A. St. No. 1691/2023
(Ramakant D. Panchal & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri A.G. Talhar, learned counsel for the applicants (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 26.02.2024.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

M.A. No. 82/2020 in O.A. St. No. 172/2020
(Arshad Khan Gulab Khan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri Ashish Rajkar, learned counsel holding for Shri V.G. Pingle, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 568 OF 2020
(Shankar S. Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 22.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 291 OF 2021
(Dattatraya M. More Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri S.B. Mene, learned counsel holding for Shri S.N. Suryawanshi, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.02.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 147 OF 2022
(Bhaskar D. Nelte Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri Ashish Rajkar, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Smt. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is given to learned P.O.

3 At the request of learned counsel for the applicant, S.O. to 22.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 836 OF 2022
(Shravan Y. Khairnar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri Anup D. Mane, learned counsel holding for Shri A.S. Sawant, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 929 OF 2022
(Surekha V. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 22.12.2023 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 983 OF 2022
(Pramod A. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. S.O. to 22.12.2023 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 1156 OF 2022
(Shrikant S. Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri D.T. Devane, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 158 OF 2018
(Dr. Yogesh U. Sathe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.02.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 522 OF 2020
(Prakash D. Bharambe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri Ashish Rajkar, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 22.02.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 579 OF 2020
(Dr. Shaikh Ambreen Fatema Abdul Hafiz Vs. State of
Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 620 OF 2021
(Dilip N. Dhonde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.R. Shirsat, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.02.2024 for final hearing.

MEMBER (J)

M.A. No. 501/2023 in O.A. St. No. 1923/2023
(Madhukar D. Bhalshankar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri I.K. Wagh, learned counsel holding for Shri G.V. Vani, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 2 to 5 in M.A. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. List the matter for hearing on 23.01.2024.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 736 OF 2023
(Ushabai P. Tupe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri A.S. Tilve, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant is not going to file rejoinder affidavit.

3. Pleadings are complete. List the matter for admission hearing on 19.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 961 OF 2023
(Jagdish R. Bhandarwar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri M.S. Karad, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof is given to learned counsel for the applicant today itself.

3. Learned P.O. submits that the respondent No. 1 is formal party and the separate affidavit in reply is not necessary.

4. Pleadings complete. List the matter for admission hearing on 19.02.2024.

MEMBER (J)

M.A. No. 430/2023 in O.A. St. No. 1628/2023
(Vilas D. Bhingde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri G.J. Kore, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 4 in M.A. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. List the matter for hearing on 19.02.2024.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

M.A. No. 434/2023 in O.A. St. No. 1676/2023
(Pooja C. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri G.J. Kore, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 & 2 in M.A. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. List the matter for hearing on 19.02.2024.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

M.A. No. 574/2023 in O.A. St. No. 2363/2023
(Mira G. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Heard Shri D.B. Pawar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 26.02.2024.

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 26.02.2024.

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

MEMBER (J)

M.A. No. 180/2023 in O.A. St. No. 644/2023
(Kamlesh G. Kamble Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri D.B. Pawar-Pathrekar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 3 in M.A. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. List the matter for hearing on 31.01.2024.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 1094 OF 2022
(Madhav B. Wangaje Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 3, 5 & 6. Same is taken on record along with spare copy for the applicant.

3. List the matter for admission hearing on 21.02.2024 and for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 1095 OF 2022
(Tukaram S. Pohare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 3, 5 & 6. Same is taken on record along with spare copy for the applicant.

3. List the matter for admission hearing on 21.02.2024 and for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 538 OF 2022
(Narendra L. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. This is a part heard matter and on the last date, on the request of learned counsel for applicant adjourned for further hearing.

3. As none present for the applicant, S.O. to 05.01.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 224 OF 2023
(Bhumanna M. Achewad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer Shri N.U. Yadav, is absent due to his personal difficulty.

3. It is a part heard matter. S.O. to 08.01.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 227 OF 2022
(Dhanaji S. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer submits that copy of W.P. No. 1967/2021 is received just now and the same is produced today before this Tribunal. Same is taken on record.

3. Learned P.O., however, seeks time to go through the contents of the said W.P. and make appropriate submissions on the next date of hearing. Time granted.

4. Learned counsel for the applicant submits 02 citations. Same are taken on record and copies thereof are given to learned P.O.

5. This is a part heard matter. S.O. to 09.01.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 586 OF 2023
(Umesh R. Kavle Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted as a last chance.

3. S.O. to 17.01.2024.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 618 OF 2023
(Kishor A. Salunke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted as a last chance.

3. S.O. to 17.01.2024.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

O.A. No. 376/2019 with O.A. No. 122/2018 with O.A. No. 558/2018
(Manik T. Takalkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these O.As., are present.

2. At the request of learned counsel for the applicants, S.O. to 24.01.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

ORIGINAL APPLICATION NO. 985 OF 2019

(Suresh S. Chate Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 996 OF 2019

(Sainath R. Thombre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicants in both the O.As.(**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in both the O.As., is present.

2. Learned C.P.O. on instructions submitted that the present Original Applications pertain to the year 2019 challenging the transfer orders. During pendency of the Original Applications, the applicants have submitted NOC to the higher authority giving their willingness to transfer them on some other places and in accordance with the same; they have been transferred to the other place of their choices. Learned C.P.O. submits that accordingly, the present Original Applications have become infructuous.

3. As none present for the applicants, S.O. to 02.01.2024 for passing necessary order.

MEMBER (J)

Later on :

4. Learned counsel for the applicants is appeared and sought time. Time granted.

5. S.O. to 16.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1070 OF 2023
(Kunal Hitendrasing Rajput Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions in writing from the applicant seeks leave to withdraw the present Original Application. Learned counsel has submitted that the said written communication which is received on whatsapp. Same is taken on record and marked as document 'X' for identification. On perusal of the said communication, it appears that the respondent has called upon the applicant for the purpose of enquiry in connection with the crime registered against him and the applicant has therefore sought leave to file the Original Application afresh, if any adverse order is passed against him.

3. In view of above, leave granted. Original Application is disposed of as withdrawn with liberty to the applicant to file O.A. afresh in case any adverse order is passed against him. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 806 OF 2023
(Sunil R. Mamilwad & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Heard Shri Dhananjay Mane, learned counsel holding for Shri Nagesh Talekar, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants seeks leave to amend the Original Application, so also prayer clause in light of the order dated 20.10.2023 passed by the respondent No. 2 stating therein that the names of the applicants came to be deleted from the waiting list for inter-district transfer for the sole reason that they have not submitted the Caste Validity Certificate. Learned counsel has pointed out that in terms of the communication dated 22.05.2023, it was informed to the applicants in response to their applications submitted under the Right to Information Act that the name of applicant No. 1 came to be deleted from the aforesaid waiting list inadvertently. During pendency of the present Original Application, meeting of the Police Establishment Board held on 03.10.2023 and

//2//

O.A. No. 806/2023

accordingly, the aforesaid decision was taken subsequent to filing of the Original Application. Learned counsel for the applicant vehemently argued that filing of Caste Validity Certification is not prerequisite condition for inter-district transfer and in view of the same, the aforesaid amendment in the O.A. so also in prayer clause is necessary.

3. Learned Presenting Officer submits that in additional affidavit in reply filed on behalf of respondent No. 2 justification is given about the decision taken by the Police Establishment Board in the meeting held on 03.10.2023. Learned P.O. therefore, submits that the appropriate order may be passed.

4. In view of above and since the said meeting of Police Establishment Board was held on 03.10.2023 during pendency of the present Original Application and the decision was taken for deleting the name of the applicants from the waiting list solely for the reason that no Caste Validity Certificates have been submitted, the amendment as sought for is necessary to be allowed in the interest of justice.

//3//

O.A. No. 806/2023

5. In view of above, the applicants are permitted to carry out necessary amendment in O.A., so also in the prayer clause within a period of two weeks from the date of this order and after carrying out the amendment, the amended copy of the O.A. be given to the learned P.O.

6. This is a part heard matter. S.O. to 11.01.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 20.12.2023

M.A. No. 158/2023 in O.A. St. No. 284/2023
(Sandhya Pandurang Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Heard Shri Joslyn Menezes, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that during the Covid-19 pandemic period, the applicant though had worked from home, the said period from June, 2020 to August, 2020 was considered as without pay treating her physical absence in the office and the order came to be passed to that effect on 10.03.2021. Learned counsel submits that the applicant remained under the bona-fide belief that the department may consider her grievance sympathetically, as she had worked from home and accordingly submitted representations on 14.06.2021 and 10.11.2021 to the respondent No. 1 and thereafter on 25.02.2022, 29.06.2022, 17.08.2022 and 14.09.2022 to the respondent No. 2. There was no response from both the respondents and as such, the delay has been caused in filing the accompanying Original Application.

//2//

MA 158/2023 in
OA St. 284/2023

Learned counsel submits that the delay is not intentional one and there is no inaction as such on part of the applicant. Learned counsel submits that since leave application is also not considered for the said period and the said period has been held as without pay, the applicant has continuous cause of action and in view of the same, there is no delay.

3. Learned Presenting Officer submits that the delay is near about one year and the applicant has not satisfactorily explained the same. The Misc. Application is thus liable to be rejected.

4. It appears that after passing of the impugned order dated 10.03.2021, the applicant has filed representations on the various dates, firstly before the respondent No. 1 for redressal of her grievance and thereafter to the respondent No. 2. In view of the same, there is no intentional delay as such and there is also no inaction on part of the applicant. The applicant has approached this Tribunal only after realizing that the respondents are not responding to her representations. In view of the same and for the reasons stated in the application,

//3//

MA 158/2023 in
OA St. 284/2023

I am inclined to allow the present Misc. Application.
Hence, the following order :-

ORDER

- (i) The M.A. No. 158/2023 is allowed in terms of prayer clause 12(B).
- (ii) The delay caused in filing the accompanying O.A. is hereby condoned.
- (iii) The accompanying O.A. be registered and numbered in accordance with law.
- (iv) The M.A. accordingly stands disposed of. No order as to costs.

MEMBER (J)

O.A. St. No. 284/2023

(Sandhya Pandurang Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Heard Shri Joslyn Menezes, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. After registration of O.A, issue notices to the respondents, returnable on 23.02.2024.

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 23.02.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 534 OF 2023
(Tulshiram Honaji Aghav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

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. S.O. to 21.12.2023 for hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

**ORIGINAL APPLICATION NO. 535 OF 2023
(Anil R. Dhumal Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. S.O. to 21.12.2023 for hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

ORIGINAL APPLICATION NO. 383 OF 2021
(Siddharth Y. Bhalerao Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri A.M. Hajare, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 31.01.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

**ORIGINAL APPLICATION NO. 373 OF 2021
(Ramesh N. Wagh Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri S.S. Jadhavar, learned counsel for the applicant, is **absent**. Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri M.S. Mahajan, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O. to 26.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 68 OF 2021
(Sarjerao S. Jagdhane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.12.2023 for final hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

ORIGINAL APPLICATION NO. 580 OF 2020
(Dr. Sunita N. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri Rajat P. Untwal, learned counsel holding for Shri S.B. Patil, learned counsel for the applicant, and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 26.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

**ORIGINAL APPLICATION NO. 347 OF 2020
(Jitendra B. Raipure Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Smt. Asha N. Gore, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 128 OF 2020
(Pandit V. Sonawane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri M.M. Kadtu, learned counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 23.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

ORIGINAL APPLICATION NO. 83 OF 2020
(Devendra I. Sosnar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

Shri Y.M. Patil, learned counsel for respondent No.3, is **absent**.

2. S.O. to 16.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

**ORIGINAL APPLICATION NO. 40 OF 2019
(Dr. Manisha R. Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Not before the Bench of which Justice Shri V.K. Jadhav, Member (J) is the party.

MEMBER (J)

ORIGINAL APPLICATION NO. 388 OF 2018
(Namdeo P. Gawali Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri Prashant Deshmukh, learned counsel for the applicant, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 15.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

**ORIGINAL APPLICATION NO. 502 OF 2017
(Public Prosecutors Association, Maharashtra State,
Through its President & Vice President Vs. State of
Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. S.O. to 16.01.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate learned Presenting Officer for the respondent authorities and Shri G.V. Mohekar, learned counsel for respondent No.4, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted as a last chance.

3. S.O. to 14.02.2024 for hearing. Status quo granted earlier to continue till then.

MEMBER (J)

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Smt. Deepali S. Deshapnde, learned Presenting Officer for the respondent authorities and Shri G.V. Mohekar, learned counsel for respondent No.4, are present.

2. Learned counsel for the applicant seeks time to file affidavit in rejoinder, if any. Time granted.

3. S.O. to 14.02.2024 for hearing. Status quo granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 402 OF 2022
(Maroti C. Panchal Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. placed on record the copy of Gazette dated 28.06.2023 of Dog Squad Unit of police force Recruitment Rules, 2023. The same is taken on record along with spare copy for the applicant.

3. Learned counsel Shri K.G. Salunke was present in morning session.

4. S.O. to 06.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 433 OF 2023
(Dr. Shivaji Jema Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by Government order dated 11.09.2023, one Dr. Bhimrao U. Padavi, Medical Officer, Group-B is posted in place of transfer of the applicant and in view of same, the applicant is now kept at his original working place. However, there is no specific order to that effect.

3. Learned counsel for the applicant submits that the applicant is due for retirement within a period of six months from today and in view of same, the applicant is satisfied with the present arrangement.

4. Learned P.O. submits that in view of status quo granted by this Tribunal on 12.06.2023 one Dr. Bhimrao U. Padavi has now been posted in place of transfer of the applicant by order dated 11.09.2023 and in view of same, there is no likelihood of transfer of the applicant to some other place.

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433/2023

5. In view of above, nothing survives for further consideration in the Original Application. The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

ORIGINAL APPLICATION NO. 13 OF 2023
(Suresh B. Wagh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri G.V. Mohekar, learned counsel holding for Shri G.J. Kore, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the group of identical matters is kept on 18.01.2024 and therefore, requested to place the present matter on the same date.

3. In view of above, S.O. to 18.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1070 OF 2022
(Kishor J. Shinde Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri Nilesh J. Patil, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 26.02.2024 for hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

**ORIGINAL APPLICATION NO. 987 OF 2022
(Fatema Rahim Beg & Ors. Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri T.K. Rathod, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 19.02.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 904 OF 2022
(Bharti N. Madavi (Donekar) Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri N.J. Patil, learned counsel holding for Shri V.M. Maney, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant on instructions submits that the applicant has now been reinstated however, the issue of back wages is remained to be redressed.

3. Learned P.O. submits that some time is required for filing the additional affidavit in reply to the extent of the issue of back wages.

4. In view of same, S.O. to 26.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 634 OF 2022
(Somnath R. Baviskar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant and Shri V.B. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned P.O. submits that in view of order passed by this Tribunal on 14.12.2023, the respondent No.2 herein has passed order on 19.12.2023 and transferred the present applicant to the office of Deputy Inspector General of Prison, Nashik Division Nashik. Learned P.O. placed on record the copy of said order dated 19.12.2023. The same is taken on record and marked as document 'X' for the purpose of identification.

3. Learned counsel for the applicant on instructions submits that the applicant is satisfied with this order since posted at Nashik itself.

4. In view of the aforesaid submissions, nothing survives in the present Original Application for consideration. The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 421 OF 2022
(Nandkishor V. Joshi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

None present for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. has orally informed today that Advocate Shri S.B. Jadhav who is representing the applicant is now appointed as Assistant Public Prosecutor (A.P.P.) in the Hon'ble High Court.

3. In view of same, S.O. to 26.02.2024.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

ORIGINAL APPLICATION NO. 278 OF 2022
(Anwar Khan Azizkhan Pathan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. S.O. to 08.02.2024 for hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

ORIGINAL APPLICATION NO. 232 OF 2022
(Sudhakar Y. Dandge Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. S.O. to 07.02.2024 for hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

ORIGINAL APPLICATION NO. 185 OF 2020
(Baliram B. Mahale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that practically the respondent authorities have accepted the claim of the applicant.

3. Learned P.O. is hereby directed to take specific instructions as to the present status of the finalization of the seniority list till the next date of hearing.

4. S.O. to 07.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 734 OF 2019
(Shamsundar R. Pande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

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

2. S.O. to 24.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

**M.A.NO. 214 OF 2023 IN O.A.ST.NO. 612 OF 2023
(Babasaheb D. Puri Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 20.12.2023

ORAL ORDER :

Shri M.V. Dhongade, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 2 to 5, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 20.12.2023 sas

ORIGINAL APPLICATION NO. 1051 OF 2023
(Dr. Prakash Madhukar Shivnikar Vs. Pandurang Lomale)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 20.12.2023

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officers for the respondent authorities.

2. The applicant has preferred the present Original Application seeking quashment of the order dated 5.12.2023, whereby he has been transferred from Georai, District Beed to Sengaoon, District Hingoli. The applicant was transferred at Georai vide order dated 21.2.2023. It is the grievance of the applicant that within 10 months of his joining at Georai, he has been transferred that too without following the prescribed procedure and contrary to the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short "the Transfer Act of 2005).

3. In the present matter the notice was issued by this Tribunal on 12.12.2023 and matter was kept for further consideration on 19.12.2023 (yesterday). Learned counsel for the applicant today has pressed

for grant of interim relief thereby to stay the effect and operation of the impugned order dated 5.12.2023, as well as, subsequent order of relieving the applicant from his existing post at Georai.

4. Shri Ajay Deshpande, learned counsel appearing for the applicant has vehemently argued that in violation of the provisions of the Transfer Act of 2005 the impugned order has been passed. Learned counsel has referred to provisions under Sections 3, 4 & 6 of the Transfer Act of 2005. Learned counsel submitted that the ordinary tenure of the Government employee falling in Group-A is 3 years. Learned counsel further argued that the Government is certainly having power to transfer its employee even before completion of the said period; however, by following the procedure prescribed therefor and not in violation thereof. Learned counsel submitted that in the impugned order there is absolutely no reference of the provisions under Sections 3, 4 or 4 (5) of the Transfer Act of 2005. It has also been argued by the learned counsel that there is no compliance of the provisions under Rule 29, 30 & 31 of the Maharashtra Civil Services

(General Conditions of Service) Rules, 1981. Learned counsel submitted that it is explicit from the acts and conduct of the respondents that in any case the respondents were firm on their decision to shift the applicant from his existing post and therefore unilaterally relieved the applicant and charge of his post has been taken by respondent No. 2 i.e. Civil Surgeon, Beed.

5. Learned counsel further argued that from the contents of the affidavit in reply filed on behalf of the respondents, it is revealed that there are certain complaints against the applicant and on that ground the applicant has been transferred. Referring to the said contention, learned counsel submitted that the transfer of the applicant cannot be effected for the reason as has been assigned by the respondents. He further submitted that there are other remedies for redressal of the complaints against the applicant and not to transfer him from the existing place. Learned counsel submitted that in fact the applicant was transferred at Georai on his request as his wife is also serving as a Medical Officer at Neknur, which is at a distance of 60 k.m.

from Georai. However, even discarding the said fact and in total distraction of the statutory provisions, the impugned order has been passed.

6. Learned counsel submitted that the apparent violation of the statutory provisions has entitled the applicant for grant of the interim relief as asked by him. Learned counsel also submitted that as provided u/s 4(4)(ii) of the Transfer Act of 2005, which has been invoked in the present matter, the approval is required of the next higher authority. Learned counsel submitted that in the present matter as is contended by the respondents and as provided u/s 6 of the Transfer Act, 2005, the competent transferring authority is the Hon'ble Chief Minister and in the circumstances approval of the decision taken by him must be either by the Hon'ble Governor or by the council of Ministers. Learned counsel submitted that there is no such compliance of the aforesaid mandatory provision and for that reason also the impugned order deserves to be stayed at the interim stage.

7. Learned counsel has also submitted that the provisions u/s 4(4)(ii) of the Transfer Act of 2005 are in relation with the midterm transfer, whereas provision u/s 4(5) is in respect of mid tenure transfer, which has nexus with the provisions u/s 3 of the Transfer Act of 2005. Learned counsel submitted that having regard to the facts in the present matter, the transfer so effected could not have been under the provisions of section 4(4)(ii) of the Transfer Act of 2005. Learned counsel submitted that for all these reasons the impugned order deserves to be stayed forthwith.

8. Shri I.S. Thorat, learned Presenting Officer appearing for the State authorities supported the impugned order. Learned P.O. taking me through the averments in the affidavit in reply filed on behalf of the respondents submitted that the conduct of the applicant compelled the respondents to shift him from the existing place. Learned P.O. submitted that there were complaints against the applicant from all sects. i.e. from the patients, from co-employees, as well as, from Local M.L.A. Shri Laxman Madhavrao Pawar, Georai. Learned P.O.

submitted that in view of the complaints against the applicant, the D.E. is also proposed against the applicant. Learned P.O. further pointed out that the material against the applicant was kept before the Civil Services Board and the Civil Services Board recommended the transfer of the applicant, which has been approved by the Hon'ble Chief Minister, who is the competent authority. Learned P.O. further submitted that in order to enquire into the complaints received against the applicant, three Members' Committee was constituted and the said Committee has submitted its report to respondent no. 2. The decision to constitute the Committee is placed on record at page no. 43 of the paper book and the report submitted by the said Committee is at page nos. 44 to 46 of the paper book. Learned P.O. submitted that the respondents have rightly invoked the provisions u/s 4(4)(ii) of the Transfer Act of 2005 and with the approval of the competent authority as prescribed u/s 6 of the said Act the impugned order has been issued against the applicant. Learned P.O. in the circumstances prayed for rejecting the request for interim relief as sought for by the applicant.

9. Learned counsel appearing for the applicant has tendered the rejoinder affidavit before commencement of his arguments and the same is taken on record. The copy of the same is given to the learned Presenting Officer.

10. Affidavit in reply has been filed by the respondents. Today, the arguments are heard restricted to the prayer for interim relief as prayed in the O.A. The prayer clause (C), which is in respect of interim relief, reads thus:-

“(C) Pending the hearing and final disposal of this Original Application, the impugned order at Annex. ‘A-2’ dated 5.12.2023, as well as, the so called relieving order dated 6.12.2023 at Annex. ‘A-3’ may kindly be stayed and be ordered to be kept in abeyance by directing the respondents for allowing the applicant to discharge the duties as Medical Superintendent Class-I at Sub-District Hospital at Georai, Dist. Beed as before.”

11. I have carefully considered the submissions advanced on behalf of the applicant, as well as, the respondents. I have also gone through the provisions under Transfer Act of 2005, as well as, Maharashtra Civil Services (General Conditions of

Services) 1981. I have also perused the documents placed on record. Section 4(4)(ii) is referred in the impugned order. I deem it appropriate to reproduce herein below the entire Sub-section 4 of Section 4, which reads thus :

“4. Tenure of transfer.

“(4) The transfers of Government servants shall ordinarily be made only once in a year in the month of April or May:

Provided that, transfer may be made any time in the year in the circumstances as specified below, namely:-

(i) to the newly created post or to the posts which become vacant due to retirement, promotion, resignation, reversion, reinstatement, consequential vacancy on account of transfer or on return from leave;

(ii) where the competent authority is satisfied that the transfer is essential due to exceptional circumstances or special reasons, after recording the same in writing and with the prior approval of the next higher authority;”

12. In the present matter, at this juncture while deciding the prayer for interim relief, it appears to me that it may not be required to in detail examine the scope of the provisions, which are referred to by the learned counsel appearing for the applicant.

Considering the provisions under Section 4(4)(ii) of the Transfer Act of 2005 it is quite evident that the competent authority if satisfied that the transfer is essential due to exceptional circumstances, can take a decision to transfer the Government employee even before completing his term.

13. The respondents have placed on record copy of the complaint made against the applicant by the employees working under him (pages 38 to 40 of the paper book). The respondents have also placed on record a complaint made against the applicant by the staff working in the maternity ward of the Sub-District Hospital, Georai. The complaint made by the Local M.L.A. Shri Laxman Madhavrao Pawar against the applicant to the Hon'ble Health Minister of the State is also produced on record by the respondents. On such complaints received against the applicant, three Members' Committee was constituted by respondent No. 2 to enquire in the complaints so received. The said committee accordingly conducted an enquiry and recorded the statements of the persons, who have made the complaints against the applicant. The said

committee thereafter submitted the report to respondent No. 2. The said report reveals that the said three members committee found substance in the complaints made against the applicant. Based on the said report, the respondent No. 2 forwarded his report to the Deputy Director of Health Services, Latur Circle, Latur and thereafter the respondent No. 1 seems to have taken the decision to transfer the applicant from his existing post at Georai. The record also reveals that prior to issuing such order, the matter was referred to the Civil Services Board and the Civil Services Board after having considered the material placed before it, recommended for transfer of the applicant from Georai to Sengaon as a Medical Superintendent, Rural Hospital at Sengaon, Dist. Hingoli.

14. Thus, it is not that without any material against the applicant the respondents have directed the transfer of the applicant by invoking the provisions u/s 4(4)(ii) of the Transfer Act, 2005. The reasons assigned by the Government for transferring the applicant whether are sufficient or otherwise cannot be gone into at this stage. Insofar as the

procedural part is concerned, the transfer order passed by the State appears to be within bounds of the Transfer guidelines. What course is to be adopted against the officer against whom the complaints are received is the prerogative of the Government. In the present matter, if the authorities concerned found it necessary in the public interest and for efficient and smooth administration to transfer the applicant, it does not appear to me that such a decision can be interfered with at the interim stage. The flexibility has to be left in such matters with the executives to take a decision for the reason that ultimately they have to run the administration.

15. After having considered the entire material on record, it does not appear to me that any case is made out by the applicant for grant of interim relief in his favour as prayed by him. The request for interim relief, therefore, stands rejected.

16. S.O. to 10.1.2024.

VICE CHAIRMAN