

**ORIGINAL APPLICATION NO. 513 OF 2019**  
**(Yousfuddin Quamruddin Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 1.

3. S.O. to 01.02.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 514 OF 2019**  
**(Sanjay V. Nagamwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 1.

3. S.O. to 01.02.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 27 OF 2019**  
**(Raosaheb D. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Smt. Vidya Taksal, learned Advocate holding for Shri S.N. Suryawanshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 02.02.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 493 OF 2021**  
**(Aruna S. Lahurikar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 01.02.2022.

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

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

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

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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 01.02.2022.

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

**MEMBER (J)**

KPB ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 805 OF 2021**  
**(Mahadev S. Koli Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 5. None present on behalf of respondent No. 6, though duly served.

2. The applicant is seeking interim relief of stay to the impugned transfer order dated 07.12.2021 (Annexure A-1 Collectively) of the respondent No. 6 issued by the respondent No. 3 i.e. the Dy. Director of Land Records, Pune Region, Pune, whereby according to the applicant, the respondent No. 6, who is junior to him is transferred from the establishment of Dy. Director of Land Records, Partur, Dist. Jalna to the Dy. Director of Land Records, Pune Region, Pune and more particularly in the office of Dy. Superintendent of Land Records, Mangalvedha, Dist. Solapur. In the said impugned order dated 07.12.2021 (Annexure A-1 collectively) in clause No. 5 it is mentioned that the said respondent No. 6 has been relieved from his present post in order to join in Pune Region. The

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O.A. No. 805/2021

applicant however, in his Original Application has categorically stated that the respondent No. 6 is not yet relieved from his present post of AUSA and he is still working there.

3. Learned C.P.O. seeks time to seek instructions from the concerned respondent/s regarding relieving of respondent No. 6 and will place the same on record by tomorrow. Time granted.

4. S.O. to 21.12.2021.

**MEMBER (J)**

KPB ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 451 OF 2019**  
**(Suryakant R. Biradar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the sides, S.O. to 06.01.2022.

**MEMBER (J)**

KPB ORAL ORDERS 20.12.2021



**M.A. No. 236/2021 in O.A. St. No. 950/2021  
(Suresh M. Jagtap Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. Record shows that affidavit in reply is filed jointly on behalf of respondent Nos. 1 to 3 and separately on behalf of respondent No. 4 in M.A.

3. Learned Advocate for the applicant submits that he has not received copies of the said affidavits in reply.

4. Learned Presenting Officer submits that he would serve copies of the said affidavits in reply to the learned Advocate for the applicant.

5. S.O. to 19.01.2022.

**MEMBER (J)**

**M.A. No. 390/2021 in O.A. No. 451/2021**  
**(Dr. Suresh M. Betkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 4.

2. Learned Advocate Shri P.R. Tandale, has filed **VAKIL PATRA** on behalf of respondent No. 5. Same is taken on record.

3. By consent of both the sides, S.O. to 22.12.2021.

**MEMBER (J)**

KPB ORAL ORDERS 20.12.2021

**M.A. No. 392/2021 in O.A. No. 449/2021**  
**(Dr. Arun S. Shirurkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 4.

2. Learned Advocate Shri P.R. Tandale, has filed **VAKIL PATRA** on behalf of respondent No. 5. Same is taken on record.

3. By consent of both the sides, S.O. to 22.12.2021.

**MEMBER (J)**

**M.A. No. 410/2021 in O.A. No. 675/2021**  
**(Dr. Balaji M. Mirkute Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri V.B. Wagh, learned Advocate for respondent No. 5. None present on behalf of respondent No. 4, though duly served.

2. The present Misc. Application is made by the applicant in view of the subsequent development took place during pendency of the Original Application No. 675/2021.

3. The applicant is working on the post of Medical Officer Group-A, Kapshi, Tq. Loha, Dist. Nanded as per the order dated 22.09.2021 (part of Annexure A-4 collectively in O.A.) in continuation of earlier transfer order dated 17.09.2021 (Annexure A-3 in O.A.). In the abovesaid O.A. No. 675/2021, the applicant has challenged the impugned transfer of respondent No. 5, Dr. Shamrao Laxman Sawant dated 13.10.2021 (Annexure M-1 in M.A.), whereby the respondent No. 5 was transferred at the present post held by the

//2// M.A. 410/2021 in  
O.A. 675/2021

applicant i.e. at P.H.C., Kapshi, Tq. Loha, Dist. Nanded. By the order dated 27.10.2021 in O.A. No. 675/2021, interim relief of stay of the transfer order of the respondent No. 5 dated 13.10.2021 (Annexure A-1 in O.A.) was not granted observing that there were two posts of Medical Officer Group-A at P.H.C. Kapshi, Tq. Loha Dist. Nanded and therefore, observing on mere apprehension, order of stay cannot be granted. Therefore, in the said O.A. notices were issued and it is pending for filing affidavit in reply on behalf of respondents.

4. During pendency of the O.A. No. 675/2021, there is further development, whereby by the order date 14.12.2021 (Annexure M-3 in M.A.), the respondent No. 3 has directed the office of respondent No. 4 i.e. the Chief Executive Officer, Zilla Parishad, Nanded to get joined the applicant on the post of respondent No. 5 i.e. P.H.C. Kurula, Dist. Nanded. The applicant is seeking interim stay to the said impugned order dated 14.12.2021 (Annexure M-3 in M.A.) stating that his apprehension is proved right and it amounts to transfer.

//3// M.A. 410/2021 in  
O.A. 675/2021

5. Learned Presenting Officer for the respondent Nos. 1 to 3 seeks time for filing affidavit in reply in the present M.A., as well as, in O.A. He submits that it is a temporary arrangement in order to effectively execute the impugned transfer of respondent No. 5 dated 13.10.2021 (Annexure M-1 collectively) duly issued by the respondent No. 1.

6. Learned Advocate for respondent No. 5 also strongly opposed the submissions made on behalf of the applicant and stated that the order in question now sought to be challenged by the applicant is not the transfer order, but the local arrangement.

7. After having considered the rival submissions, if the impugned order dated 14.12.2021 (Annexure M-3 in M.A.) is examined, prima-facie, it shows that it requires applicant to go and join at P.H.C. Kurula, Dist. Nanded, which is nothing but the transfer order. The order does not show that such powers vested in any local officer after issuance of the order by the respondent No. 1, the competent transferring authority. Interim relief for stay to the transfer order of the respondent No. 5 was refused observing that

//4// M.A. 410/2021 in  
O.A. 675/2021

merely on apprehension expressed by the applicant the interim relief cannot be granted.

8. However, at this stage, the matter of apprehension of the applicant would prima-facie proves to be imminent and reasonable. In such circumstances, in my considered opinion, at this stage, when the applicant is sought to be transferred from one place to another place in mid-term and hardly within a period of two months, this is a fit case to grant interim relief, as the impugned order dated 14.12.2021 (Annexure M-3 in M.A.) does not show prima-facie compliance of the provisions of Section 4(4)(ii) and 4(5) of the Transfer Act, 2005. Hence, the interim relief as per prayer clause 8(B) is granted till filing affidavit in reply by the respondents.

9. Issue notices to the respondents in M.A., returnable on 12.01.2022.

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

//5// M.A. 410/2021 in  
O.A. 675/2021

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

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

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

14. S.O. to 12.01.2022.

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

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 832 OF 2018**  
**(Shaikh Nasir Sk. Miya Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. The present matter is already part heard.
3. By consent of both the sides, S.O. to 07.01.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 532 OF 2021**  
**(Kaviraj J. Kucche Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri K.G. Salunke, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri N.B. Narwade, learned Advocate for respondent No. 3.

2. At the request of learned Chief Presenting Officer, S.O. to 03.01.2022.

**MEMBER (J)**

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

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Smt. Asha N. Gore, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 02.02.2022.

**MEMBER (J)**

KPB ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 20 OF 2021**  
**(Ramraje S. Chandane Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 11.01.2022 for final hearing.

**MEMBER (J)**

KPB ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 471 OF 2021**  
**(Shankar Y. Galdhar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. By consent of both the sides, S.O. to 20.01.2022 for final hearing.

**MEMBER (J)**

KPB ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO.339/2019 WITH 340/2019  
(Dr. Kishor Ubale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri A.S.Deshmukh, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, in both matters.

2. At the request of learned Presenting Officer, S.O. to tomorrow i.e. on 21-12-2021.

3. The matter be kept **High on Board**.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.384/2019**  
**(Vinayak B. Kapse & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **20.12.2021**

**ORAL ORDER :**

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

2. At the request and consent of both the parties, S.O. to 23-12-2021.
3. The matter be kept **High on Board**.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.288/2020  
(Sandip Markad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri A.G.Ambetkar, learned Advocate for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent nos.1 to 3, Shri V.C.Suradkar learned Advocate for respondent no.4 and Shri Rahul Tambe learned Advocate for respondent no.5.

2. At the request and consent of both the parties, S.O. to 03-01-2022.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO.704 OF 2019**  
**(Vishwanath T. Yeslote Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri K.M. Nagarkar, learned Advocate for the applicant is **absent**. Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. Learned P.O. for the respondents submits that affidavit-in-reply on behalf of respondent No.1 is not necessary.

4. In view of above, S.O. to 14.02.2022 for filing affidavit-in-rejoinder, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.990 OF 2019**  
**(Dr. Sajid I. Tamboli Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant on instructions received from the applicant seeks permission to withdraw the Original Application.

3. I have no reason to refuse the permission when the withdrawal is sought unconditionally.

4. In view of above, permission to withdraw the Original Application is granted.

5. Accordingly, the Original Application stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.105 OF 2020**  
**(Dr. Pranhans B. Kamble Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant on instructions received from the applicant seeks permission to withdraw the Original Application.

3. I have no reason to refuse the permission when the withdrawal is sought unconditionally.

4. In view of above, permission to withdraw the Original Application is granted.

5. Accordingly, the Original Application stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.162 OF 2020  
(Vikas B. Munde Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant on instructions received from the applicant seeks permission to withdraw the Original Application.

3. I have no reason to refuse the permission when the withdrawal is sought unconditionally.

4. In view of above, permission to withdraw the Original Application is granted.

5. Accordingly, the Original Application stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.163 OF 2020  
(Sjid H. Pathan Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant on instructions received from the applicant seeks permission to withdraw the Original Application.

3. I have no reason to refuse the permission when the withdrawal is sought unconditionally.

4. In view of above, permission to withdraw the Original Application is granted.

5. Accordingly, the Original Application stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.209 OF 2020**  
**(Akhil Ahmed Mukheed Ahmed Kazi Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri Santosh N. Pawde, learned Advocate holding for Shri R.B. Ade, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos.1 to 6 and Shri M.B. Kolpe, learned Advocate for the respondent No.7.

2. Record shows that the affidavit-in-reply on behalf of respondent Nos.1 to 5 is already filed.
3. Learned P.O. seeks time for filing affidavit-in-reply on behalf of respondent No.6.
4. Learned Advocate for the respondent No.7 also seeks time for filing affidavit-in-reply.
5. Hence, time is granted for filing affidavit-in-reply on behalf of respondent Nos.6 and 7.
6. S.O. to 01.02.2022.

**MEMBER (J)**

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

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of respondent Nos.1 to 3 is taken on record and copy thereof has been served on the other side.
3. At the request of learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder, if any.
4. S.O. to 02.02.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.563 OF 2020**  
**(Rajendra V. Marale Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondents.
3. S.O. to 02.02.2022.

**MEMBER (J)**



**ORIGINAL APPLICATION NO.584 OF 2020**  
**(Sumanbai G. Kulkarni Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri M.L. Dharashive, learned Advocate for the applicant is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Record shows that affidavit-in-reply is already filed on behalf of respondent No.2.
3. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of other respondents.
4. S.O. to 11.01.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.115 OF 2021**  
**(Kadubai S. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. Record shows that the affidavit-in-reply is already filed on behalf of respondent Nos.3 and 4.
3. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondent Nos.1 and 2.
4. S.O. to 01.02.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.351 OF 2021  
(Kautik Y. Kachole Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is already filed on behalf of respondent Nos.1 to 3.
3. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondent No.4.
4. S.O.to 01.02.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.353 OF 2021  
(Sunil J. Kamble Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. Affidavit-in-reply filed on behalf of respondent Nos.1 and 2 is taken on record and copy thereof has been served on the other side.
3. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondent No.3.
4. S.O. to 03.02.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.426 OF 2021**  
**(Dr. Abhishek A. Pendharkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

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

3. S.O. to 19.01.2022. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.523 OF 2021**  
**(Munjaba N. Soundarmal Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. Record shows that the affidavit-in-reply is filed on behalf of respondent.
3. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit-in-rejoinder.
4. The matter is pertaining to transfer. It is admitted and fixed for final hearing on 20.01.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.591 OF 2021**  
**(Vaishnavi S. Landage Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that in the title clause of the O.A., the address of the respondent No.1 is wrongly mentioned. He therefore, seeks permission to correct the address of the respondent No.1.

3. Permission is granted to correct the address of the respondent No.1.

4. After correction, issue fresh notice to the respondent No.1, returnable on 01.02.2022.

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

6. 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

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

7. 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.

8. 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.

9. S.O. to 01.02.2022.

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

11. The present matter is placed on separate board.

**MEMBER (J)**



**ORIGINAL APPLICATION NO.601 OF 2021**  
**(Ramesh M. Darekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri Arjun R. Lukhe, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of respondent Nos.1 to 3 is taken on record and copy thereof has been served on the other side.

3. S.O. to 02.02.2022 for filing affidavit-in-rejoinder, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.699 OF 2021**  
**(Narayan N. More Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. Record shows that the Original Application is filed on or about 11.11.2021 challenging the re-fixation order dated 02.12.2017 (Annex. 'A-2'), showing payment of excess amount on account of earlier wrong pay fixation. Thereafter, the said excess amount is recovered from the pensionary benefits and salary of the applicant vide order dated 04.12.2017 (Annex. 'A-4'). The applicant is challenging the same and seeking refund of amount of Rs.10,75,592/-.

3. Learned Advocate for the applicant submits that the applicant has explained the continuous cause of action in the limitation clause.

4. The point of limitation is kept open.

5. Learned Advocate for the applicant further submits that balance of pensionary benefits is not paid to the applicant by the respondents.

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6. Learned P.O. to take necessary instructions and place on record the status report on the next date.
7. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondents.
8. S.O. to 28.01.2022.

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2021

**M.A.NO.373 OF 2018 IN O.A.ST.NO.1652 OF 2018  
(Keshav G. Lohar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri A.G. Gadekar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is already filed on behalf of respondent Nos.2 and 3.
3. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondent Nos.1 and 4.
4. S.O. to 03.01.2022.

**MEMBER (J)**

**M.A.NO.592 OF 2019 IN O.A.ST.NO.2196 OF 2019  
(Arvind A. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri V.S. Kadam, learned Advocate for the applicant is **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 & 2 and Shri G.N. Patil, learned Advocate for the respondent No.3.

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

3. Most last chance is granted for filing affidavit-in-reply on behalf of respondent Nos.2 & 3.

4. S.O. to 28.01.2022.

**MEMBER (J)**

**M.A.NO.130 OF 2020 IN O.A.NO.114 OF 2020  
(Dagdu G. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 02.02.2022.

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2021

**M.A.NO.203 OF 2020 IN O.A.ST.NO.572 OF 2020  
(Ashok S. Gade Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Pradip V. Tapse Patil, learned Advocate for the applicant is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is already filed on behalf of respondent Nos.1 to 6.

3. S.O. to 04.02.2022.

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2021

**M.A.NO.306 OF 2020 IN O.A.ST.NO.1336 OF 2020  
(Sanjeev R. Kadam Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 19.01.2022.

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2021



**M.A.NO.09 OF 2021 IN O.A.ST.NO.5 OF 2021  
(Keshav G. Lohar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

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

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondents.
3. S.O. to 20.01.2022.

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2021

**M.A.NO.195 OF 2021 IN O.A.ST.NO.727 OF 2021  
(Pathan M. Ahmed Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri M.K. Bhosale, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondents.
3. S.O. to 19.01.2022.

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2021

**M.A.NO.90 OF 2021 IN O.A.NO.571 OF 2020**  
**(Madhukar R. Mapari through his L. Rs. Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. This Misc. Application No.90 of 2021 is made by heirs and legal representatives of the deceased original applicant for bringing themselves on record as heirs and legal representatives of the deceased applicant.

3. The Death Certificate (Annex. 'A-1') produced on record shows that the original applicant died on 25.02.2021. These applicants have filed heir-sheep certificate (Annex. 'A-2'), which shows that they are heirs and legal representatives of the original applicant. The present Misc. Application is made on 23.03.2021 i.e. within prescribed period of limitation.

4. The Original Application is filed seeking relief of service benefit. In view of same, right to sue would

//2// M.A.No.90/2021 in  
O.A.571/2020

survive in the heirs and legal representatives of the original deceased applicant.

5. In view of same, it deserves to be allowed. Hence, I proceed to pass following order:-

**ORDER**

- (i) The Misc. Application No.90/2021 is allowed.
- (ii) The names of the applicants herein are allowed to be brought on record as heirs and legal representatives of the original applicant.
- (iii) Amendment be carried out within two weeks and amended copy be served on the other side.
- (iv) Accordingly, the Misc. Application stands disposed of. No order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.571 OF 2020**

**(Madhukar R. Mapari through his L. Rs. Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 01.02.2022.

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2021



**M.A.NO.85 OF 2021 IN O.A.ST.NO.348 OF 2021  
(Shankar F. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondents.
3. S.O. to 27.01.2022.

**MEMBER (J)**

**M.A.NO.391 OF 2021 IN O.A.NO.450 OF 2021  
(Dr. Pratap Pundlik EgeVs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 to 4.

2. Shri P.R. Tandale, learned Advocate files VAKALATNAMA on behalf of respondent No.5. The same is taken on record.

3. This Misc. Application is filed seeking interim relief restraining the respondent Nos.1 and 2 from posting any other Medical Officer on the post of Medical Officer, Primary Health Center, Gangapur, Tq. & Dist. Latur (wrongly mentioned in the application as Tq. & Dist. Gangapur) during pendency of the Original Application.

4. The Original Application is filed challenging the transfer order of the applicant dated 06.08.2021, whereby the applicant was transferred from his present post of Medical Officer, Primary Health Centre, Gangapur, Dist. Latur to the post of Epidemic Medical Officer, Z.P., Osmanabad. In the said order of transfer



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O.A.450/2021

it was mentioned that the applicant was relieved on 06.08.2021 afternoon itself from Commissionerate level.

5. In the Original Application notices were issued to the respondents as per order dated 17.08.2021. The respondents in the said Original Application sought time from 03.09.2021 for filing affidavit-in-reply.

6. The matter is adjourned from time to time on 24.09.2021, 25.10.2021 and 22.11.2021 and thereafter to 22.12.2021.

7. It is now the contention of the applicant that the applicant has not been relieved from his present post till today and he is working there. However, the applicant reliably learnt that the respondent Nos.1 & 2 are making efforts to post Dr. S.P. Kadam at his place by way of change of posting of Dr. S.P. Kadam by earlier transfer order whereby Dr. S.P. Kadam was transferred from the post of Taluka Health Officer, Nilanga, Dist. Latur to Primary Health Centre, Shiradhon, Dist. Osmanabad.

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O.A.450/2021

8. Dr. S.P. Kadam is not interested in joining at Osmanabad. This development according to the applicant took place during pendency of the Original Application, wherein affidavit-in-reply is not filed by the respondents.

9. Learned P.O. for the respondents submits that she has to take necessary instructions in the matter. She also seeks time for filing affidavit-in-reply in the M.A. as well as O.A.

10. Considering the facts on record, it is evident that the applicant is not relieved from his present post. Moreover, the affidavit-in-reply is not filed in the Original Application though four months have passed.

11. In the circumstances, it is not known that as to why the applicant is allowed to continue on his present post instead of implementation of transfer order.

12. In the circumstances, if the applicant at this stage is disturbed by executing his transfer order, some prejudice is likely to be caused to the applicant. According to the applicant, before passing the transfer

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O.A.450/2021

Order, the applicant was not given the opportunity to get counseled nor options were called for in terms of requirement of G.R. dated 09.04.2018 and the said transfer order is issued illegally.

13. The said aspect of the transfer order is required to be considered at this stage. However, affidavit-in-reply is not filed on behalf of the respondents. It has caused prejudice to the applicant by not deciding the matter at the earliest.

14. In view of same, in my opinion, it would be just and proper to grant interim relief in terms of part of prayer clause (B) of the Misc. Application till filing of reply by the respondents to the effect of restraining the respondents from posting any other Medical Officer on the post of Medical Officer, P.H.C. Gangapur, Tq. & Dist. Latur.

15. Issue notice to the respondents, returnable on 07.01.2022.

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

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O.A.450/2021

17. 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.

18. 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.

19. 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.

20. S.O. to 07.01.2022.

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

22. The present matter is placed on separate board.

**MEMBER (J)**

**Date :20.12.2021**

**ORIGINAL APPLICATION NO.806 OF 2021  
(Pralhad S. Sonune V/s The State of Maharashtra  
& Ors.)**

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

1. Shri V.G. Salgar, Id. Advocate for the applicant and Smt. Deepali S. Deshpande, Id. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 13.01.2022. The case be listed for admission hearing on 13.01.2022.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**REGISTRAR**

**ORIGINAL APPLICATION NO. 487/2017**  
**(Bhagwanrao J. Nagargoje Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri A.N. Patale, learned Advocate for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, present.

2. Rejoinder affidavit not filed by the applicant. S.O. to 21.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 - HDD

**ORIGINAL APPLICATION NO. 256/2018**  
**(Avinash P. Chandra & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri S.G. Chapalgaonkar, learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, present.

2. Rejoinder affidavit not filed by the applicant. S.O. to 24.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 - HDD

**ORIGINAL APPLICATION NO. 667/2018**  
**(Gajanan P. Khot & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Time sought for filing affidavit in reply. Granted by way of last chance.

3. S.O. to 24.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 - HDD



**ORIGINAL APPLICATION NO. 771/2018**  
**(Shrihari D. Ghogare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri B.A. Dhengle, learned Advocate for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 3 , present. None appears for respondent No. 4.

2. List the present case for hearing on 25.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 – HDD

**ORIGINAL APPLICATION NO. 218/2019**  
**(Sharnappa V. Mannylikar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri M.D. Godhamgaonkar, learned Advocate for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, present.

2. Affidavit in sur-rejoinder is not filed by the learned Presenting Officer. List the present case for hearing on 25.1.2022. In the meantime affidavit in sur-rejoinder may be filed.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 – HDD

**ORIGINAL APPLICATION NO. 230/2019**  
**(Dr. Rekha G. Gaikwad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Shamsundar B. Patil, learned Advocate for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 2, present. None appears for respondent No. 3.

2. Affidavit in rejoinder is not filed by the applicant. List the present case for hearing on 27.1.2022. In the meantime affidavit in rejoinder may be filed.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 - HDD

**O.A.NOS. 453 & 454 BOTH OF 2018**  
**(Balasaheb R. Mendhekar & Ors. Vs. State of Mahara. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri R.N. Bharaswadkar, learned Advocate for the applicants in both these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 4 in both these cases, are present. Shri S.S. Dambe, learned Advocate for respondent Nos. 5 to 12 in O.A. No. 453/2018 (**absent**).

2. Affidavit in rejoinder is not filed by the applicants in both these cases. List the present cases for hearing on 28.1.2022. In the meantime affidavit in rejoinder may be filed in both these cases.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 783/2019**  
**(Anil P. Chittarwad Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **20.12.2021**

**ORAL ORDER :**

Shri S.B. Jadhav, learned Advocate for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondents, present.

2. Affidavit in rejoinder is not filed by the applicant. List the present case for hearing on 1.2.2022. In the meantime affidavit in rejoinder may be filed by the applicant.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 788/2019**  
**(Santoshkumar A. Kaul Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **20.12.2021**

**ORAL ORDER :**

Shri S.B. Bhosale, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent No1., are present. None appears for respondent No. 2.

2. Affidavit in rejoinder is not filed by the applicant. List the present case for hearing on 1.2.2022. In the meantime affidavit in rejoinder may be filed by the applicant.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 103/2020**  
**(Vishwanath G. Nampalle Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **20.12.2021**

**ORAL ORDER :**

Shri Omprakash Y. Kashid, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 28.1.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 559/2020  
(Vishranti B. Giri Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Abhishek C. Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 1.2.2022.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 212/2021**  
**(Dr. Rahul P. Waghmare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Jayant S. Deshmukh, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 2.2.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 - HDD

**ORIGINAL APPLICATION NO. 213/2021**  
**(Dr. Ashok S. Dhumal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Jayant S. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 2.2.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 - HDD

**ORIGINAL APPLICATION NO. 299/2021**  
**(Nagorao W. Bhalerao Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri M.B. Sandanshiv, learned Advocate for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 3.2.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 447/2021**  
**(Malile Anil Gangadhar Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **20.12.2021**

**ORAL ORDER :**

Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar separate affidavits in reply on behalf of respondent Nos. 2 & 3 and the same are taken on record and copies thereof have been served on the other side.

3. Time is sought for filing affidavit in reply on behalf of respondent No. 1. Granted.

4. S.O. to 2.2.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 485/2021**  
**(Amol J. Kale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri M.G. Devkate, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Report of service is awaited.
3. S.O. to 2.2.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 – HDD

**ORIGINAL APPLICATION NO. 500/2021  
(Swapnil S. Jagtap Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V Dharurkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 2.2.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 579/2021**  
**(Siddharth R. Pandurnikar Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **20.12.2021**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.S. Kulkarni, learned Advocate for respondent No. 4, present.

2. Shri S.S Kulkarni, learned Advocate has filed affidavit in reply on behalf of respondent No. 4 and the same is taken on record and copy thereof has been served on the other side.

3. Learned Presenting Officer sought time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Granted.

4. S.O. to 3.2.2022.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NOS. 658, 659, 660 & 661 ALL OF 2021  
(Sayyed T. Harun & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri M.S. Karad, learned Advocate for the applicants in all these cases and S/Shri M.P. Gude & V.R. Bhumkar, learned Presenting Officers for the respective respondents in respective cases, present.

2. Learned Presenting Officers sought time for filing affidavit in reply in all these cases. Time granted.

3. S.O. to 25.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 – HDD



**ORIGINAL APPLICATION NO. 694/2021**  
**(Avinash G. Chonde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Amol B. Chalak, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer submits that he is appearing on behalf of all the respondents and sought time for filing affidavit in reply. Granted.

3. S.O. to 3.2.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 695/2021**  
**(Narayan D. Mundhe Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **20.12.2021**

**ORAL ORDER :**

Shri Amol B. Chalak, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer submits that he is appearing on behalf of all the respondents and sought time for filing affidavit in reply. Granted.

3. S.O. to 3.2.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 – HDD

**ORIGINAL APPLICATION NO. 696/2021**  
**(Nagesh Vitthalrao Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Amol B. Chalak, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer submits that he is appearing on behalf of all the respondents and sought time for filing affidavit in reply. Granted.

3. S.O. to 3.2.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 – HDD

**ORIGINAL APPLICATION NO. 580/2021**  
**(Dr. Santram M. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Ram S. Shinde, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Affidavit in reply not filed in spite of last chance was granted to the respondents. Fix the matter on 19.1.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 – HDD

**M.A.NO. 230/2020 IN O.A.NO. 325/2020  
(Sandip B. Thakur Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Kiran S. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer sought time for filing affidavit in reply. Granted by way of last chance.

3. S.O. to 27.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 - HDD

**M.A. 201/21 IN M.A. 159/21 IN O.A. 115/18**  
**(Nagnath G. Savant & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri S.D. Joshi, learned Advocate for the applicants, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent No. 3, are present.

2. Affidavit in reply is filed on behalf of respondent No. 3 and the same is taken on record and copy thereof has been served on the other side.

3. The present case be listed for further consideration on 27.1.2022. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 425/2020**  
**(Sachin U. Shinde & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri H.A. Joshi, learned Advocate for the applicants, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri M.B. Bharaswadkar, learned Advocate for respondent Nos. 5, 6 & 11, are present. None appears for other respondents.

2. Today, the present matter is fixed for hearing, even without reply, if the respondents fail to file the same. Today also reply is not filed. Learned Presenting Officer submits that the draft reply is forwarded for approval, but the same is not received. According to the information of the learned Advocate for the applicant, the draft reply is sent prior to about 6 months. We are constrained to observe that in spite of availing due chances, replies are not being submitted in many matters. If this be true that draft reply is sent prior to about 6 months, it is sorry state of affairs that the same has not yet been approved. We want to impress upon the learned Chief Presenting Officer and other learned Presenting Officers to caution the officers concerned that in the matters, wherein specific orders are passed the Tribunal will not be showing any further

**:: - 2 - ::**

**O.A. NO. 425/2020**

leniency. In the present matter as an exception time is granted till 6.1.2022.

3. S.O. to 6.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 20.12.2021 – HDD



**C.P. 21/2021 IN O.A. 355/2017  
(Rajendra T. Dawange Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri K.B. Jadhav, learned Counsel for the applicant and Shri M.A. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. The learned C.P.O. has tendered across the bar copy of communication received to him from the Desk Officer. The same is taken on record and marked as document 'X' for the purpose of identification.

3. In view of the submissions made, S.O. to 21.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 793/2021  
(Amit R. Gaikwad Vs. State of Maha. & Ors.)  
WITH  
ORIGINAL APPLICATION NO. 794/2021  
(Yuvraj S. Pawar Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Avinash S. Deshmukh, learned Counsel for the applicants in both the matters and Shri S.K. Shirse, learned Presenting Officer for the respondents in both the matters, are present.

2. The learned P.O. has sought time by way of last chance. Time granted as prayed for.

3. The learned P.O. shall call for all the necessary original documents and place the entire record before us as about the marks received to the candidates appeared for selection and the candidates so selected and appointed.

4. S.O. to 10.1.2022.

**MEMBER (A)**

**MEMBER (J)**

**M.A. 409/2021 IN O.A. ST. 1739/2021  
(Laxman G. Lagad & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Ms. Preeti Wankhade, learned Counsel for the applicants and Shri M.A. Mahajan, learned Chief Presenting Officer for the respondents.

2. After having gone through the contents of the M.A. and after hearing the learned Counsel for the applicants and the learned C.P.O. for the respondents, we are inclined to allow the present M.A., since, apparently, it appears that the applicants are similarly situated and the same reliefs are sought by them.

3. In the circumstances, the present M.A. stands allowed and the applicants are permitted to sue the respondents jointly in the O.A.

4. The Registry to register the O.A. according to law.

**MEMBER (A)**

**MEMBER (J)**

**O.A. ST. 1739/2021**

**(Laxman G. Lagad & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Ms. Preeti Wankhade, learned Counsel for the applicants and Shri M.A. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 31.01.2022.

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

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

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

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

7. S.O. to 31.01.2022.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 1419/2021  
(Chate Shankar Dhondiba Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri K.M. Nagarkar, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. When the present application has taken up for consideration it is noticed that the Office has raised objection about limitation. We find substance in the objection so raised.

3. In the circumstances, the learned Counsel for the applicant shall satisfy on the point of delay, else it would be open for him to file appropriate application seeking condonation of delay.

4. S.O. to 5.1.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 108/2019  
(Krushna R. Rathod Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Vinod N. Rathod, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 13.1.2022. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 639/2021**  
**(Dr. Sanjay R. Kadam & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Avinash S. Deshmukh, learned Counsel holding for Shri Sanjay B. Bhosale, learned Counsel for the applicants and Shri M.A. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. The learned C.P.O. seeks time. Granted.
3. S.O. to 22.12.2021. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 959/2019**  
**(Rahul D. Sathe & Anr. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri R.D. Khadap, learned Counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. At the request of learned Counsel for the applicants, S.O. to 21.12.2021 for hearing at admission stage itself.

**High on Board.**

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021



**T.A. NO. 9/2021 (W.P. 2006/2020)**  
**(Suryakant V. Pathak & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri D.R. Irale Patil, learned Counsel for the applicants (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3 and Shri S.B. Mene, learned Counsel for respondent no. 4, are present.

2. Learned C.P.O. sought time for filing reply. Time granted as a last chance.

3. S.O. to 11.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 312/2020  
(Amol D. Jadhav Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri D.R. Irale Patil, learned Counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. The learned P.O. tendered across the bar sur-rejoinder. It is taken on record. The learned Counsel for the applicant to collect copy of sur-rejoinder from the learned P.O.

3. S.O. to 27.1.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 422/2020  
(Nilesh R. Tagad Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Sandeep D. Munde, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. After hearing the arguments of both the sides for some time, we find that elaborate arguments need to be heard. The learned Counsel appearing for the parties to bring on record the relevant judgments on the issue and similar provisions if in the other acts and rules, the said acts and rules.

3. S.O. to 19.1.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 133/2020  
(Alka S. Mundhe Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Sandeep D. Munde, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. The learned P.O. tenders across the bar the affidavit in reply on behalf of the respondent no. 1. It is taken on record and copy thereof has been supplied to the learned Counsel for the applicant.

3. S.O. to 20.1.2022 for hearing at the stage of admission. In the mean time, the applicant is at liberty to file rejoinder, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 165/2021  
(Anil Y. Rokade Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri R.A. Joshi, learned Counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Shri Shamsundar B. patil, learned Counsel for respondent nos. 2 & 3, are present.

2. The learned P.O. has tendered across the bar the reply on behalf of respondent no. 1. It is taken on record and copies thereof are supplied to other side.

3. S.O. to 15.1.2022 for hearing at the stage of admission.

4. Office to tag O.A. No. 680/2021 with the present matter.

**MEMBER (A)**

**MEMBER (J)**

**M.A. 31/2021 IN O.A. ST. 62/2021  
(Ramkisan Jalba Nampalle & Ors. Vs. State of Maha. &  
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri V.B. Dhage, learned Counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. In the O.A. the applicants have given challenge to the seniority list finally published in the month of March, 2018. The learned Counsel submits that the objections were raised by the applicants to the said list and by communication dated 25.6.2020 the applicants were communicated reply, whereby all the objections are rejected by the respondents. Thereafter within the reasonable period the applicants have approached this Tribunal. The learned Counsel submits that since delay is not deliberate and without any ulterior motive, the opportunity may be given to the applicants to prosecute the matter on merit.

3. The learned P.O. is very serious on the issue that by suppressing the material fact the O.A. is filed by the applicants. He has submitted that the provisional seniority

::-2-:: **M.A. 31/2021 IN O.A. ST. 62/2021**

list was received to the applicants within the prescribed time, however, a false statement is made that it was not received to them. The P.O. has produced on record the entire record evidencing that the said list was received to the applicants in time. The learned P.O. therefore opposed the O.A. on the ground of suppression of material facts.

4. We have considered the arguments of learned Counsel for the applicants and the learned P.O. for the respondents. Apparently, 'the provisional seniority list was not served on the applicants', is a wrong statement. However, the fact remains that provisional list was finalized in the month of June, 2020 and the same is challenged in the present O.A. The learned Counsel submits that the submission regarding non receipt of the provisional seniority list by the applicants is inadvertently made without any ill intention. Such conduct has to be deprecated. However, on this ground alone the applicants cannot be precluded from agitating their matter on merits. We are therefore inclined to allow the present M.A. Hence, the following order :-

**ORDER**

- (i) M.A. No. 31/2021 stands allowed and the delay occurred in filing the O.A. is condoned.
  
- (iii) Registry to register the O.A. according to law.

**M.A. 31/2021 IN O.A. ST. 62/2021  
(Ramkisan Jalba Nampalle & Ors. Vs. State of Maha. &  
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri V.B. Dhage, learned Counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 21.01.2022.

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

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

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

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

7. S.O. to 21.01.2022.

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

**MEMBER (A)**

**MEMBER (J)**



**M.A. 152/2021 IN O.A. 431/2020**  
**(Smt. Seema. G. Patil & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri Suresh P. Salgar, learned Counsel for the applicants in the present M.A. (Res. nos. 3 to 5 in O.A.), Shri Ajay S. Deshpande, learned Counsel for respondent no. 1 in the present M.A. (applicant in O.A.), Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 2 & 3 in the present M.A. (res. nos. 1 & 2 in O.A.) and Shri S.D. Joshi, learned Counsel for the respondent no. 4 in the present M.A. (respondent no. 6 in O.A.)

2. For orders, S.O. to 22.12.2021.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 612/2014  
(Vidya T. Sakhare & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri R.L. Kute, learned Counsel for the applicants  
(**applicant**). Shri V.R. Bhumkar, learned Presenting Officer  
for the respondents, is present.

2. List the matter for final hearing on 6.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 899/2017  
(Dr. Vandana S. Shinde Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

None appears for the applicant. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, is present. None appears for respondent no. 4.

2. List the matter for final hearing on 28.1.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 922/2017**  
**(Pandurang R. Chinchale Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Avinash S. Deshmukh, learned Counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent no. 1 and Shri D.T. Devane, learned Counsel for respondent nos. 2 & 3, are present.

2. List the matter for final hearing on 25.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NOS. 160 AND 844/2018  
(Nilesh P. Bansode & Anr. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

None appears for the applicants in both the matters.  
Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the matters, is present.

2. List the matter for final hearing on 28.1.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 330/2018  
(Pawangir L. Giri Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Omprakash Y. Kashid, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, list the matter for final hearing on 24.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 374/2018  
(Girish B. Deshmukh Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri K.B. Jadhav, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, list the matter for final hearing on 28.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NOS. 519 AND 534/2018  
(Vishwanath U. Choudhary & Ors. Vs. State of Maha. &  
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri Avishkar S. Shelke, learned Counsel for the applicants in both the matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both the matters, are present.

2. With the consent of both the sides, list the matter for final hearing on 11.1.2022.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 337/2019  
(Namdev D. Londhe Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri O.Y. Kashid, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, list the matter for final hearing on 24.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**O.A. NOS. 468, 469 AND 478 ALL OF 2020  
(Kuldeep I. Chole & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri S.D. Munde, learned Counsel for the applicants in all the matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. With the consent of both the sides, list the matter for final hearing on 2.2.2022.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**ORIGINAL APPLICATION NO. 292/2021**  
**(Kashinath H. Devtule Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri S.D. Munde, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. With the consent of both the sides, list the matter for final hearing on 12.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**M.A. 401/2021 IN O.A. 743/2021  
(Ashish S. Susare Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Shri S.P. Salgar, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present.

2. The present M.A. is filed seeking amendment in the O.A.

3. Perused the application for amendment. It is noticed that the prayers, which are sought to be added in the O.A. are in consonance with the prayers already made in the O.A. and the contentions as sought to be added in the O.A. are regarding the events occurred after filing the O.A. In view of the same, we are inclined to allow the present M.A. Hence, the following order :-

**ORDER**

(i) The present M.A. is allowed in terms of prayer clause (B) thereof.

**:-2-:: M.A. 401/2021 IN O.A. 743/2021**

(ii) The applicant to carry out the proposed amendment in O.A. within the period of one week from the date of this order and supply copy of amended portion of O.A. to the learned P.O.

(iii) O.A. to come on board on 31.1.2022.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 20.12.2021

**O.A. NO. 187/2021 WITH C.P. NO. 14/2021 WITH M.A. NS. 329/2021, M.A. NO. 283/2021 WITH M.A. 149/2021  
(Kashinath H. Devtule Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 20.12.2021**

**ORAL ORDER :**

Heard Shri A.S. Shelke, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in O.A.

2. Shri A.D. Sugdare, learned Counsel for applicant (intervenor) in M.A. No. 149/2021 is present. Shri D.K. Dagadkhair, learned Counsel for applicant (intervenor) in M.A. No. 283/2021 (**leave note**).

3. The applicant has filed the present O.A. bearing No. 187/2021 seeking quashment of the order dated 12.4.2021, whereby he has been transferred to the Central Prison Press, Nagpur. From the material on record, it reveals that certain complaints were received against the present applicant including that of sexual harassment of female staff at the work place.. At the relevant time the applicant was working as a Head Clerk in the Government Printing Press, Aurangabad. On complaints so received the applicant was suspended w.e.f. 5.11.2018 and the charge sheet was also issued to him. It is also revealed that the

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**O.A. NO. 187/2021 WITH  
C.P. NO. 14/2021 & 3 M.AS.**

Women Complaints Redressal Committee, Mumbai had also raised some grievance about the alleged behavior of the applicant. However, during the departmental enquiry, the applicant came to be exonerated from 7 out of 8 charges, including that of sexual harassment of women working with him at his work place. Insofar as 8<sup>th</sup> charge is concerned, which was the charge no. 4 in the charge sheet in respect of not handing over the charge, the punishment of 'Censure' is awarded.

4. In the D.E. only one charge is proved against the applicant. The issue of his reinstatement was with the concerned authority and the said authority vide order dated 12.4.2021 took a decision to reinstate the applicant and by taking the decision of reinstatement passed an order transferring the applicant from Aurangabad to Central Prison Press at Nagpur. The applicant has challenged the said order by filing the present O.A. The record also reveals that interim relief application was preferred by the applicant and this Tribunal vide order passed on 4.5.2021 granted stay to the implementation of the said order.

5. The respondent State has filed reply to the O.A. and has also filed one M.A. bearing No. 329/2021 and has prayed for vacating the interim stay granted by this

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**O.A. NO. 187/2021 WITH  
C.P. NO. 14/2021 & 3 M.AS.**

Tribunal. Today initially we were hearing the said M.A. only. However, during the course of arguments it is noticed that O.A. itself can be disposed of by hearing the parties. In the meanwhile the C.P. bearing no. 14/2021 has also been filed by the applicant alleging the contempt of the interim order passed by this Tribunal. We deem it appropriate to consider the said C.P. along with this misc. application and the O.A. We find that, if O.A. is disposed of we may not require to pass separate orders in M.A. No. 329/2021, C.P. No. 14/2021 and M.A. Nos. 149/2021 & 283/2021 filed by the respective applicants for intervention.

6. After having heard the arguments of the learned Counsel for the applicant, the learned P.O. and the learned Counsel appearing in the intervention applications, we find that if the legality of the impugned order dated 12.4.2021 is decided finally, no separate orders in C.P., and M.As. may be required to be passed. We have carefully gone through the order dated 12.4.2021 and more particularly the portion which is reproduced herein below :-

*“त्याअर्थी, श्री. रा.कि. पल्लेवाड, स्थाना. प्रमुख लिपिक यांच्याविरुद्धच्या महिलांच्या तक्रारी, शासन पत्र, महिला तक्रार निवारण समिती, संचालनालय, मुंबई यांचा अहवालानुसार, महाराष्ट्र नागरी सेवा (वर्तणुक) नियम १९७९ पोटनियम २२-अ मधील तरतुदी विचारात घेऊन श्री. पल्लेवाड यांना या आदेशाच्या दिनांकापासून पुनस्थापित करण्यात येत आहे.”*



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**O.A. NO. 187/2021 WITH  
C.P. NO. 14/2021 & 3 M.AS.**

If the aforesaid portion is read as it is, it means that the applicant has been transferred from Aurangabad to Nagpur taking the aid of the rule 22(A) of the Maharashtra Civil Services (Conduct) Rules, 1979. The said rule 22(A) reads as follows :-

***“22-A) Prevention of sexual harassment of working woman -***

*(1) No Government servant shall indulge in any Act of sexual harassment of any women at her work place.*

*(2) Every Government servant who is in charge of a work place shall take necessary steps to prevent sexual harassment to any women at such work place.”*

7. When in the D.E. all the charges leveled against the applicant in regard to the sexual harassment to the female staff at the work place were not found to be credit worthy and therefore he was exonerated from the said charges, it is surprising that again the said charges are used for transferring the applicant from Aurangabad to Nagpur.

8. The learned P.O. has submitted that in view of the Circular dated 20.4.2013 and G.R. dated 14.10.2011 the Government is well within its power to post an employee on the place desired by the Government after the employee is exonerated from the charges in the D.E. conducted against him or his suspension is revoked. The learned P.O. further

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**O.A. NO. 187/2021 WITH  
C.P. NO. 14/2021 & 3 M.AS.**

submitted that the applicant is working at Aurangabad since last 16 years and was thus otherwise also due for transfer and accordingly has been transferred from Aurangabad to Nagpur.

9. There cannot be a dispute about the powers of the Government as are revealing from the aforesaid Circular and the G.R. However, in the present matter even when the applicant has been exonerated from the charges of sexual harassment of female staff at work place in the D.E. conducted against him, there was no rational in referring to the provisions under rule 22(A) of M.C.S. (Conduct) Rules, 1979, which pertain to prevention of sexual harassment of working woman at her work place. Not only that the said provision is just only referred to but, relied upon and taken the aid of in making the transfer of the applicant from Aurangabad to Nagpur. The learned P.O. could not provide any justification for reference of rule 22(A) of M.C.S. (conduct) Rules, 1979 in the impugned order of transfer of the applicant. We do not dispute the right of the Government as mentioned above to transfer its employee having regard to the administrative exigency. Had there been no reference to rule 22(A) of M.C.S. (Conduct) Rules, 1979 in the order of transfer and simplicitor transfer order would have been passed, perhaps

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**O.A. NO. 187/2021 WITH  
C.P. NO. 14/2021 & 3 M.AS.**

we may not have reason for causing indulgence in the said order. However, at the face of it when the impugned order attaches stigma to the applicant, the same cannot be sustained. The applicant has certainly made out a case for setting aside the impugned order.

10. For the reasons stated above, the order dated 12.4.2021 impugned in the present O.A. is set aside. The respondents shall reinstate the applicant at the place on which he was working before his suspension. It would be however open for the Government to take a fresh decision in regard to transfer of the applicant, if there is an administrative exigency and having regard to the fact that the applicant is working at Aurangabad for more than 16 years. Needless to state that, the established norms in respect of transfer of employees would be followed by the State Government.

11. In view of the order passed in the present O.A., no separate orders are required to be passed in the C.P. and 3 M.As. Resultantly the C.P. and 3 M.As. stand disposed of. There shall be no order as to costs. .

**MEMBER (A)**

**MEMBER (J)**