

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

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - Court On Leave*

Date: -20/07/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next Date
Urgent Admission Matters						
1	MA281/23 In OASSt850/23	Beed / Jalna / Latur	Adv. Talekar & Associates (Shaikh Rafeek Gabru & Ors.)	M.A. For Sue Jointly		27.07.23
2	OA368/23	Beed	Adv. K.J. Ghute Patil (Sadashiv Y Gaikwad)	Departmental Enquiry		07.08.23
3	OA640/23	J'gaon	Adv. C.V. Dharurkar (Milind D Sonawane)	Major Punishment		03.08.23
4	OASSt1316/23	A'bad	Adv. Vidya A Taksal (Jagtap) (Trushna M Mali)	Promotion/ Deem Date/ ACPS	Circulation with Office Objection	26.07.23
5	MASSt1371/23 In OASSt1368/23	Jalna	Adv. Rahul O Awasarmol (Vinayak B Redekar)	M.A. For Condonation of Delay	Circulation with Office Objection	
Order Matters						
6	MA200/20 In MA506/18 In	A'bad	Adv. R.N. Bharaswadkar (Sajed Khan Ajiz)	M.A. For Intrim Relief	For Hearing Reply Filed by R-1 to R-3	11.09.23

	OAS1951/18		Khan Pathan) <u>Adv.C.B. Gore for</u> <u>R.Nos.5 & 6</u> <u>Adv.V.G. Pingle</u> <u>for R.No.7</u>		In MA200/20	
High On Board Matters						
7	OA716/18 With	O'bad	Adv.Sujeet D Joshi (Atul N Shirke)	Appointment	<u>Re Hearing</u> Reply filed By R-1 to R-4	12.09.23
8	OA634/18 With	Beed	Adv.Sujeet D Joshi (Pramod S Chormale)	Appointment	<u>Re Hearing</u> Reply filed By R-5 & R-7	12.09.23
9	OA635/18 With	Beed	Adv.Sujeet D Joshi (Mahesh A Talekar)	Appointment	<u>Re Hearing</u> Reply filed By R-2 to R-4	12.09.23
10	OA636/18	Beed	Adv.Sujeet D Joshi (Vinay P Sarpate)	Appointment	<u>Re Hearing</u> Reply filed By R-2 to R-4	12.09.23
11	OA345/17	P'bhani	Adv.V.G. Pingle (Abhiman M Kale) <u>Adv.Shamsunder</u> <u>B Patil for</u> <u>R.Nos.2 to 6</u>	Termination	<u>Part Heard</u> Reply Filed by R-1 to R-6	13.09.23
12	OA248/19	A'nagar	Adv.V.G. Pingle (Vikram B Mate & Ors.) <u>Adv.S.D. Dhongde</u> <u>for R.Nos.3 & 4</u>	Appointment on Higher Post as per Qulificaton	<u>Part Heard</u> Reply Filed by R-1 & R-2	14.09.23

13	OA804/17	N'bar	Adv.S.D. Joshi (Prakash D Patil)	Compulsory Retirement	<u>For Expedited Hearing</u> Reply Filed by R-1 to R- 4	15.09.23
14	OA939/17	Beed	Adv.S.D. Joshi (Dattatraya S Bargaje)	Dismissal	<u>For Expedited Hearing</u> Reply Filed by R-1 to R- 5	15.09.23
15	OA140/20	A'bad	Adv.H.A. Joshi (Shrikant K Bhale)	Change In Designation	<u>For Expedited Hearing</u> Reply Filed by R-1 & R-2	20.09.23
16	OA818/21	Nanded	Adv.S.D. Joshi (Dr.Ashwini A Patil) <u>Ajit Kadethankar for R.No.6 Adv.S.G. Kulkarni for R.No.8 Adv.Amol T Jagtap for R.No.9 Adv.Akshay H Joshi for R.No.7</u>	Challenging G.R./ Seniority List	<u>For Expedited Hearing</u> Reply Filed by R-1 to R- 7	14.08.23
17	OA851/09	A'bad	Adv.Ajay Deshpande (Sunita S Sabu @ Sunita S Pophale)	Departmental Enquiry	<u>High On Board</u> Reply Filed by R-1 & R- 2	20.09.23

18	OA39/20 with	J'gaon	Adv.A.S. Deshmukh (Anil B Nikam)	Senirotty/ Promotion	High On Board For Hearing Reply Filed by R-1 & R- 2	25.08.23
19	OA477/18 With	A'nagar	Adv.V.B. Wagh (Santosh U Mandage & Ors.)	Senirotty/ Promotion	High On Board For Hearing Reply Filed by R-1 & R- 2	25.08.23
20	OA982/18 With	A'nagar	Adv.V.B. Wagh (Shakuntala S Kapoor)	Senirotty	For Hearing Reply Filed by R-1 & R- 2	25.08.23
21	OA983/18	A'nagar	Adv.V.B. Wagh (Bharat L Kharat)	Seniority	For Hearing Reply Filed by R-1 & R- 2	25.08.23
22	OA773/22	A'bad	Adv.V.B. Wagh (Mangala V Pawar)	M.A. For I.R.	High On Board Reply Filed by R-1 & R- 2	18.08.23
Due Admission Matters						
23	OA67/18	P'bhani	Adv.K.G. Salunke (Dr.Mohd. Feroz Iqbal)	Not to Terminate the Services	For Hearing Reply Filed by R-2 & R-3	25.07.23
24	OA387/18	Beed	Adv.Avinash S Deshmukh (Pramod V Gite) Adv.R.D. Khadap for R.No.5	Selection/ Appointment (AMVI) Assessment of Answer Sheet	For Hearing Reply Filed by R-1 to R-5	14.08.23

25	OA596/18 With	Nanded	Adv.Gajanan S Shembole (Dr.Sunil P Bhandare)	Termination	For Hearing Reply Filed by R-2 to R-7	22.09.23
26	OA597/18	Nanded	Adv.Gajanan S Shembole (Dr.Jotsana A Reddy)	Termination	For Hearing Reply Filed by R-2 to R-7	22.09.23
27	OA892/18 With	A'bad	Adv.S.S. Thombre (Dhananjay D Chandodkar & Ors.)	Discharge From Service	For Admission Reply Filed by R-1 to R-5	28.07.23
28	OA901/18	Beed	Adv.S.S. Thombre (Bhagwat S Somase)	Termination	For Admission Reply Filed by R-1 to R-3	28.07.23
29	OA960/18	A'bad	Adv.Vidya A Taksal (Sunil B Gaikwad)	Dismissal From Service	For Hearing Reply Filed by R-1 to R-4	12.09.23
30	OA27/21	Nanded	Adv.Dhananjay A Mane (Mohan G Wadajkar)	Major Punishment/ Quashing Chargesheet/ Pension	For Hearing Reply Filed by R-1	12.09.23
31	OA28/21	A'bad	Adv.Dhananjay A Mane (Gorakh B Dhakane)	Major Punishment/ Quashing Chargesheet/ Pension	For Hearing Reply Filed by R-1	12.09.23
32	OA195/21	Dhule	Adv.V.B. Wagh (Gopal S Patil)	Seniority List / Promotion	For Hearing Reply Filed by R-1 & R-2	15.09.23

33	OA606/21	A'bad	Adv.Zia Ul Mustafa/ Adv.Taher Ali Quadri (Tambe S Govind)	Appointment	For Admission	20.09.23
34	OA655/21	Jalna	Adv.U.L. Telgaonkar/ Adv.N.U. Telgaonkar (Rahul D Gaikwad)	Termination	For Hearing Reply Filed by R-1 & R-2	18.09.23
35	OA43/22	Nanded	Adv.G.N. Kulkarni(Mardikar) (Bismillabee Jamalsab Shaikh)	Counting Past Service/ Refund of Amount	For Admission	18.09.23
36	OA586/22	N'bar	Adv.A.S. Shelke (Suvarna P Pawar)	Promotion	For Hearing Reply Filed by R-1 & R-2	18.08.23
37	OA670/22	Jalna	Adv.V.B. Wagh (Dr.Rajeshree Nirmal Agarwal)	Termination/ Continuation of Service	For Hearing Reply Filed by R-1 to R-4	11.08.23
38	OA747/22 With	A'bad	Adv.J.S. Deshmukh (DR. Sanjyot G Giri) <u>Adv.M.B. Kolpe for R.No.3</u>	Eligibility/ Interview	For Hearing	25.07.23
39	OA748/22 with	Latur	Adv.J.S. Deshmukh (Dr. Abhijeet M Yadav) <u>Adv.M.B. Kolpe for R.No.3</u>	Eligibility/ Interview	For Hearing	25.07.23
40	OA769/22 With	Nanded	Adv.J.S. Deshmukh (DR. Omprasad B Damkondwar) <u>Adv.M.B. Kolpe for R.No.3</u>	Interview	For Hearing Reply Filed by R-1 & R-2	25.07.23

41	OA749/22 with	A'bad	Adv.V.S. Kadam (Dr. Sphoorti P Bende) <u>Adv.M.B. Kolpe for R.No.3</u>	Eligibility/ Interview	For Hearing	25.07.23
42	OA750/22 with	A'bad	Adv.V.S. Kadam (DR. Pragati S Kadam) <u>Adv.M.B. Kolpe for R.No.3</u>	Eligibility/ Interview	For Hearing	25.07.23
43	OA751/22 with	A'bad	Adv.V.S. Kadam (Dr.Dipti K Bhagat) <u>Adv.M.B. Kolpe for R.No.3</u>	Eligibility/ Interview	For Hearing	25.07.23
44	OA777/22 With	J'gaon	Adv.V.S. Kadam (Dr.Shital S Patil) <u>Adv.M.B. Kolpe for R.No.3</u>	Interview	For Hearing	25.07.23
45	OA778/22 with	Latur	Adv.V.S. Kadam (Dr.Sharada U Sonkhedkar) <u>Adv.M.B. Kolpe for R.No.3</u>	Interview	For Hearing	25.07.23
46	OA787/22 with	Nanded	Adv.V.S. Kadam (Dr. Krishna T Pawar) <u>Adv.M.B. Kolpe for R.No.3</u>	Interview (M.P.S.C.)	For Hearing	25.07.23

47	OA788/22 with	Beed	Adv.V.S. Kadam (Dr. Vaibhav V Deshmukh) <u>Adv.M.B. Kolpe for R.No.3</u>	Interview	For Hearing	25.07.23
48	OA796/22 with	O'bad	Adv.V.S. Kadam (Dr. Amol A Kapse) <u>Adv.M.B. Kolpe for R.No.3</u>	Interview	Hearing	25.07.23

49	OA803/222 with	A'bad	Adv.A.D. Sugdare (Dr. Syeda Muneza Nausheen Mohammad Ali) <u>Adv.M.B. Kolpe for R.No.3</u>	Interview	Hearing	25.07.23
50	OA790/22 with	A'bad	Adv.A.S. Deshmukh (Dr. Pravin G Ranvir) <u>Adv.M.B. Kolpe For R.No.2</u>	Selection Process	For Hearing Reply Filed by R-1	25.07.23
51	OA791/22	Latur	Adv.V.S. Valse (Rajshekhhar L Mengule) <u>Adv.M.B. Kolpe For R.No.2 & 4</u>	Selection Process	For Hearing	25.07.23

Final Hearing Matter

52	Rev8/17 In OA498/13	Latur	Adv.Sujeet D Joshi (Shivraj D Hawanna)	Review Application		25.08.23
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**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc.

Hon'ble Divison Bench

(Reference Court)

Before: - Court On Leave

Date: -20/07/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	OA882/21 (Nagpur Bench)	Wardha	Adv.K.G. Salunke (Shaligram B Dudhe)	Recovery From Pension		01.08.23

Bench at A' bad

Assistant
Registrar
M. A. T.

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

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

Before: - Court On Leave

Date: -20/07/2023

For Reply Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next Date
Due Admission Matters						
1	CP42/23 In OAS425/22	A'bad	Adv K B Jadhav (Ramdas H Lohakare)	Contempt Petition	For Reply	01.08.23
2	OA168/21	Nanded	Adv.Dhananjay A Mane (Prakash R Kirti)	Major Punishment	As a One More Last Chance For Filing Affidavit in Rejoinder <u>Ref Order</u> <u>Dtd.19/01/2023</u>	22.08.23
3	TA11/22 WP7659/22	Latur	Adv.A.N. Sabnis (Dr.Shaikh Aizaz Iqbal Ahmed)	Challenging G.R.	Await Service of Notice for R-1 & For Filing Affidavit in Reply For R-2 & R-3	22.08.23
4	TA17/22 WP5627/22	A'bad	Adv S B Patil (Yadav S Sonkamble & Ors.) <u>Adv Jayshree</u>	Extention of Age	Await Service R- 2 & For Filing	23.08.23

			<u>Gite For R-5</u>		Affidavit in Reply	
5	OA544/22	Jalna	Adv.Sanjay N Pagare (Jagdish N Yengupatla) <u>Adv.Jiwan J Patil for R.No.4</u>	Challenging G.R. (Compassionate Appointment)	One More Last Chance For Filing Affidavit in Rejoinder	23.08.23
6	OA832/222	Jgaon	Adv.S.N. Pagare (Dr. Harshal M Mahajan) <u>Adv M B Kolpe For R-3</u>	Interview	Await Service R-1 to R-3	25.07.23

7	OA959/22	Latur	Adv A A Nimbalkar Adv D P Munde (Amol N Waghmare) <u>Adv S P Urgunde For R-3</u>	Enquiry	As a Last Chance For Filing Affidavit in Reply R-1 & R-2	05.09.23
8	OA975/22	A'bad	Adv.Amol R Gaikwad (Dattatraya D Sonune)	Suspension Period/ Duty Benefits/ Punishment	Reply Filed By R-1 to R-6 & For Filing Affidavit in Rejoinder	25.08.23
9	OA990/22	A'bad	Adv B T Bodkhe (Archana T Tribhuvan)	P G Admission	Notices Not Collected	28.08.23
10	OA1007/22	Jalna	Adv Kakasaheb B	Seniority List	As a Last Chance	28.08.23

			Jadhav (Sanjay S Waghmare & Ors.)		For Filing Affidavit in Reply	
11	OA181/23	A'bad	Adv S P Koli (Dr. Pravara P Kulkarni & Ors.)	Selection Process	For Filing Affidavit in Reply	08.09.23
12	OA249/23	Dhule	Adv Vinayak P Narwade (Rajendra D Shinde)	Pension & Pensionery Benefits	Await Service	
13	OA253/23	A'bad	Adv Sanjay N Pagare (Rakesh S Dabhade)	Termination	For Reply	29.08.23
14	OA40823	P'rbn	Adv V B Wagh (Dr. Suhas B Jagtap)	Continuation of Service	For Reply	08.08.23
15	OA449/23	Beed	Adv P D Suryawanshi (Chandan D Kulkarni & Ors.)	Promotion	For Reply	26.07.23
16	OA454/23	A'bad	Adv Anirudha A Nimbalkar (Dr. Manohar A Wakle & Ors.)	Continuation of Service	For Reply	08.08.23

17	OA456/23	A'bad/ Jalna	Adv V B Wagh (Dr. Balkrishna S Lanjewar)	Continuation of Service	For Reply	08.08.23
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18	OA464/23	A'bad	Adv Amol B Chalak (Muzaffar M Shah)	Cancellation of Appointment	For Reply	29.08.23
Order Matters						
19	MA551/22 In OASt3006/22	Latur	Adv A S Deshmukh (Dharmveer B Shinde)	M.A For Condonation of Delay	For Reply	01.09.23
20	MA564/22 In OASt1951/22	A'bad	Adv S B Solanke (Prmod G Ramdasi)	M.A For Condonation of Delay	For Reply	04.09.23
21	MA67/23 In OASt111/23	N'bar	Adv Y H Jadhav (Kalyan C Rahase & Ors.)	M. A For Condonation of Delay	Await Service R-6	04.09.23
22	MA83/23 In OASt2011/22	A'bad	Adv V C Suradkar/ Adv A B Rajkar (Amol S Tupe)	M.A For Condonation of Delay	For Reply	06.09.23

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

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench
**Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE
CHAIRMAN**

Date: -20/07/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next Date
Regular Admission Matters						
1	MA208/23 In OAS544/23	Dhule	Adv.Nima R Suryawanshi (Nisha B Ghatule)	M.A. For Condonation of Delay		31.08.23
2	OA644/23	P'bhani	Adv.Pralhad D Bachate (Asha B Garud)	Suspension		04.08.23
3	OA645/23	P'bhani	Adv.R.B. Ade (Pralhad V Kurewad)	Directions/ Transfer	Circulation	29.08.23
4	OA646/23	Beed	Adv.Vivek Bhavthankar (Sahebrao N Shewale)	Provisional Pension & Pensionary Benefits		30.08.23
5	OA647/23	P'bhani	Adv.V.B. Wagh/ Adv.A.S. Therokar/ Adv.V.P. Adkine	Directions/ Compassionate Appointment		31.08.23

			(Subodh Gulab Khillare & Ors.)			
6	OA648/23	Hingoli	Adv.J.S. Deshmukh (Dr. Swati S Nunewar)	Transfer	Circulation	11.08.23
7	OA649/23	Dhule	Adv.Avinash S Deshmukh (Hemantkumar P Patil)	Transfer	Circulation	04.08.23
8	OA652/23	A'bad	Adv.S.S. Thombre (Jyoti R Pawar)	Suspension/ Reinstatement	Circulation	21.08.23
9	OA653/23	A'bad	Party IN Person (Dr. Anil S Joshi)	Transfer	Circulation	11.08.23
10	OAS835/23	A'bad	Adv.R.B. Ade (Shuddhodhan R Sardar)	Allowances	With Office Objection	29.08.23
Due Admission Matters						
11	OA775/17	N'bar	Adv.Dr. Kalpalata Patil Bharaswadkar (Dilip N Sangle & Ors.)	Pay & Allowances	Reply Filed by R-3	01.09.23
12	OA940/17	N'bar	Adv.Sudhir	Pay & Allowances	Reply Filed by R-3	01.09.23

			Patil (Chandrashekar Gangurde)			
13	OA574/21	P'bhani	Adv.Vivek G Pingle (Latabai B Savant)	Revision of Pay Fixation/ Benefit of Time Bound Promotion & ACPS	For Hearing Reply Filed by R-2 to R- 5	24.08.23
14	OA681/21	Beed	Adv.K.B. Jadhav (Govind H Darade)	Recovery	Reply Filed by R-1 to R- 4	24.08.23
15	OA817/21	Beed	Adv.K.N. Shermale (Vilas K Dhole)	Pension & Pensionary Benefits	For Hearing Reply Filed by R-1 to R- 3	24.08.23
16	OA36/22	P'bhani	Adv.V.G. Pingle (Balasaheb N Patharkar) <u>Adv.G.N. Patil</u> <u>for R.No.4</u>	Benefit of T.B.P.	For Hearing Reply Filed by R-1 to R- 3	24.08.23
17	OA54/22	Beed A'bad	Adv.V.G. Pingle (Bhagwat S Mane & Ors.)	Departmental Exam/ Benefits of T.B.P.S./ A.C.P.S.	For Hearing Reply Filed by R-1 & R- 2	24.08.23
18	OA322/22	A'bad	Adv.V.B. Wagh (Dr. Datta M Dhanve) <u>Adv.S.B. Ghute</u> <u>for R.No.3</u>	Interest on Delayed Payments	For Hearing Reply Filed by R-3 & R- 4	23.08.23

19	OA398/22	Nanded	Adv.K.B. Jadhav (Yuvraj B Dhamik)	Recovery From Salary (Govct. Quarter)	Reply Filed by R-2, R-3 & R-5	23.08.23
20	OA516/22	Beed	Adv.L.V. Sangit/ Adv.M.L Sangit (Arun N Pujari)	Interest on Delayed Payment	For Hearing Reply Filed by R-2	23.08.23
21	OA653/22	J'gaon	Adv.Manoj U Shelke (Mankha Gulab Tadvi)	Pension & Pensionery Benefits	For Hearing Reply Filed by R-3 & R-4	28.08.23
22	OA1052/22	A'bad	Adv.V.G. Pingle (Nuzhat Jaan Jamal Khan)	Family Pension	For Hearing Reply Filed by R-1 to R-5	29.08.23
Final Hearing Matters						
23	OA638/15	J'gaon	Adv.S.R. Patil (Harichandra D Patil)	Regularisation	Remanded by Hon'ble High Court for Fresh Decision Reply Filed by R-2 & R-3	07.09.23
24	OA616/18	O'bad	Adv.A.N.Ansari (Kokane G Revana)	Provisional Pension	Reply Filed by R-1 to R-3	08.09.23
25	OA652/18	A'bad	Adv.D.K. Dagadkhair (Indira A Maind)	Arrears of Wages	Reply Filed by R-2 & R-3	08.09.23

			& Ors.)			
26	OA656/18	Latur	Adv.Preeti R Wankhade (Dr. Sunil D Dhumal)	Regularisation	Reply Filed by R-1 to R-3	11.09.23
27	OA907/19	Hingoli	Adv.J.S. Deshmukh (Dr.Namdeo V Korde) <u>Adv.C.V. Dharurkar for R.No.6</u>	Posting	Reply Filed by R-6	11.09.23
28	OA211/20	A'bad	Adv.M.S. Taur (Nilesh B Dighe)	Transfer	Reply Filed by R-2	11.09.23
29	OA542/20	A'nagar	Adv.Avinash S Deshmukh (Rajaram S Shendge)	Suspension	Reply Filed by R-1	11.09.23
30	OA172/21	A'nagar	Adv.V.B. Wagh (Baliram S Pandule)	Show cause Notice	Reply Filed by Respondent	11.09.23
31	OA56/22	A'bad	Adv.K.P. Rodge (Sidram M Koli)	Salary	Reply Filed by R-1 to R-3	31.08.23
32	OA482/22	J'gaon	Adv.S.R. Patil (Ganesh V Patil)	Suspension	Reply Filed by R-1 to R-4	11.09.23
33	OA484/22	N'bar	Adv.S.U.	Transfer	Reply Filed by R-1	11.09.23

			Chaudhari (Jayendra P Ahire)			
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**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench
**Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE
CHAIRMAN**

Date: -20/07/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next Dare
Due Admission Matters						
1	OA541/22	Beed	Adv A R Gunge (Khiluba B Sarak) <u>Adv P D</u> <u>Survawanshi For</u> <u>R.Nos.2 & 5</u>	Pension & Pensionary Benefits	For Filing Affidavit in Reply R-1, 3 & R- 4 <u>Ref Order</u> <u>Dtd.</u> <u>20.10.2022</u>	24.08.23
2	OA612/22	P'bhani	Adv S B Solanke (Vishwananth M Tondewad)	Benefits of Old Pension Scheme	For Filing Affidavit in Reply	29.08.23
3	OA665/21	A'bad	Adv.V.B. Wagh (Shankar S Kale)	Suspension	For Filing Affidavit in Reply	04.08.23
4	OA708/22	A'bad	Adv Angad L Kanade (Sayyed Abeda Begum Sayyaed Ajaz Ahmed Quadri)	Family Pension	Await Service & For Filing Affidavit in Rejoinder	29.08.23

5	OA775/22	Nanded	Adv.A.B. Rajkar (Satish P Deshmukh)	Benefit of Old Pension Scheme	For Filing Affidavit in Rejoinder	29.08.23
6	OA827/22	N'bar	Adv Vinod Patil (Dr.Pramod Y Sonawane) <u>Adv R N Jain For R-4 & R-5</u>	Transfer	For Filing Affidavit in Reply	30.08.23

7	OA1107/22	A'nagar	Adv Avinash S Deshmukh (Shrikrishna V Bhalsing)	Interest on Delayed Payment	Last Chance For Filing Affidavit Reply	09.08.23
8	OA110/23	Hingoli	Adv Kakasaheb B Jadhav (Balkrushna S Lanjewar) <u>Adv R T Deshmukh For R- 5</u>	Directions/ Counting of Earlier Temporary Service for A.C.P.S Benefit	For Filing Affidavit in Reply	30.08.23
9	OA143/23	Nanded	Adv S S Thombre (Dwarkadas G Chikhalikar)	Transfer	For Filing Affidavit in Rejoinder	08.08.23
10	OA196/23	P'rbn	Adv Vivek Pingle (Ganesh U Chavan)	Recovery	For Reply	30.08.23

11	OA313/23	P'rbn	Adv Suchita Dhongde (Gopal T Joshi)	Benefits of T.B.P./ A.C.P.S	For Reply	31.08.23
12	OA405/23	Dhule	Adv V B Wagh (Dr. Kanchan N Wanere)	Relieve/Posting	Await Service	31.08.23
13	OA406/23	Jalna	Adv Mukund R Kulkarni (Narayan D Napte)	Transfer	For Reply	03.08.23
14	OA418/23	A'bad	Adv Mohit R Deshmukh (Dr. Shrimant C Harkar)	Correction in Date of Birth	Await Service	31.08.23
15	OA437/23	A'nagar	Adv Poonam B Patil (Prakash G Kamble)	Transfer	For Reply	03.08.23
16	OA439/23	P'rbn	Adv Poonam B Patil (Vidyasagar R Patil)	Transfer	For Reply	03.08.23
17	OA440/23	Beed	Adv Poonam B Patil (Natharao N Phad)	Transfer	Await Service For R-1 to R-4	03.08.23

18	OA442/23	Jalna	Adv Poonam B Patil (Sudhakar G Latpate)	Transfer	For Reply	03.08.23
19	OA443/23	Nanded	Adv Poonam B Patil (Sanjay K Kasralikar)	Transfer	For Reply	03.08.23
20	OA483/23	A'bad	Adv P M Nagargoje (Venkat M Kendre)	Transfer	For Reply	27.07.23
21	OA529/23	Jalna	Adv J S Deshmukh (Dr. Shaikh Irfan Usman)	Transfer	For Reply	04.08.23
22	OA568/23	Jalna	Adv Vivek G Pingle (Dr. Shyamkant D Gawande)	Transfer	Await Service R-3	04.08.23
23	OA607/23	A'bad	Adv Avinash S Deshmukh (Gajanan B Borse)	Additional Charge	For Reply	
Order Matters						
24	MA310/20 In OAS2061/19	Latur	Adv Sandip G. Kulkarni (Jagdish K. Mahendrakar) <u>Adv D T Devane</u> <u>For</u> <u>R- 3</u>	M.A. For Condonation of Delay	Await Service	01.09.23
25	MA254/22 In	A'bad	Adv. Priya R Bharaswadkar	M.A. For Condonation of	For Reply	01.09.23

	OAS626/22		(Dr.Megha D Deshmukh)	Delay		
26	MA28/23 In OAS3099/22	Latur	Adv A V Patil (Indrale (Smt. Jayshree S Waghmare & Ors.)	M.A For Condonation of Delay	For Reply	01.09.23
27	MA156/23 In OAS601/23	Jalna	Adv A B Rajkar (Manisha M Nikalje)	M.A For Condonation of Delay	For Reply	01.09.23
28	MA192/23 In OA318/23	A'bad	Adv A B Rajkar (Mkohammad Sarvar Abdul Gani)	M.A For Condonation of Delay	For Reply	01.09.23
29	MA199/23 In OAS752/23	Nanded	Adv A S Deshpande (Ramnarayan L Gograni)	M.A For Condonation of Delay	Await Service	01.09.23

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench
**Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE
CHAIRMAN**

**Date: -20/07/2023
Board**

Suplimentary Board

For Reply

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA249/23	Dhule	Adv Vinayak P Narwade (Rajendra D Shinde)	Pension & Pensionery Benefits	Await Service	01.09.23

DATE : 20.07.2023

ORIGINAL APPLICATION NO. 655 OF 2023

(Ramesh N. Swami Vs. The State of Maha. & Ors.)

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

1. Shri D.T. Devane, learned Advocate for the applicant and Smt. S.K. Deshmukh-Ghate, learned P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **11.08.2023**. The case be listed for admission hearing on **11.08.2023**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

ORIGINAL APPLICATION NO. 652 OF 2023
(Jyoti Rajaram Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 20.07.2023

ORAL ORDER :

Heard Shri S.S. Thombre, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondent authorities.

2. The applicant has preferred the present Original Application seeking quashment of the order dated 14.07.2023, whereby she has been suspended until further orders. Shri S.S. Thombre, learned counsel appearing for the applicant has assailed the aforesaid order. Learned counsel submitted that the impugned order seems to have been passed with an intention to please the learned MLA, who raised the question before the Assembly without any cogent reason for issuing such order. Learned counsel invited my attention to the various documents filed on record relating to the question which was asked in the Assembly. Learned counsel sought to contend that the enquiry in the aforesaid matter has already been carried out and since nothing seems to have revealed against the applicant, no action was

taken against the applicant. It is further contended that in fact, the State Government itself has taken a decision not to take any action against the contractors, who excavated mines and minerals for the purpose of construction of Samruddhi Mahamarg. Learned counsel, referring to the documents on record further submitted that the said documents did not even remotely indicate the role of the present applicant so as to suspend her. Learned counsel further submitted that the impugned order nowhere discloses that any departmental enquiry is contemplated against the applicant and as such, according to him, the impugned order is liable to be set aside on that ground alone. Learned counsel in the circumstances has prayed for staying the effect and operation of the impugned order till the decision of the present Original Application.

3. Learned C.P.O. has opposed the submissions made on behalf of the applicant. Learned C.P.O. submitted that the respondents will have to file a detailed affidavit in reply in the present matter bringing out all the relevant facts on record in

support of the allegations made against the applicant. Learned C.P.O. submitted that the Government has every right and authority to direct the suspension of its employee, if the enquiry is contemplated or pending against such employee. Learned C.P.O. in the circumstances opposed for grant of any interim relief stating that such issues cannot be resolved at the interim stage.

4. I have duly considered the submissions made on behalf of the applicant, as well as, respondents. Perusal of the impugned order and more particularly clause 2 thereof reveals that by invoking powers under Rule 4(1)(a) of the Maharashtra Civil Services (Discipline and Appeal), Rules, 1979 the impugned order has been passed and thereby the applicant has been put under suspension until further orders. Rule 4 of the MCS (D&A) Rules, 1979 reads thus :-

“4. Suspension.- (1) *The appointing authority or any authority to which the appointing authority is subordinate or the disciplinary authority or any other authority empowered in the behalf by the Governor by general or special order may place a Government servant under suspension-*

(a) *where a disciplinary proceeding against him is contemplated or is pending, or*

- (b) *where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State, or*
- (c) *where a case against him in respect of any criminal offence is under investigation, inquiry or trial:*

Provided that, where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority, the circumstances in which the order was made.”

5. Since the impugned order has been passed by invoking powers under Rule 4(1)(a) of the Rules, 1979, it was incumbent on the part of the respondents to specifically bring on record whether the disciplinary proceeding against the applicant is contemplated or is pending. The impugned order does not disclose that the disciplinary proceeding is contemplated against the applicant or is pending against her. The learned C.P.O., though tried to convince that in the first para of the impugned order there is some reference about the enquiry and in relation to that in para No. 2 of the order the suspension has been ordered, it is difficult to agree with the submissions so made.

//5//

O.A. No. 652/2023

6. I have carefully read the entire text of the impugned order. The impugned order cannot be interpreted to mean that the departmental enquiry is contemplated against the applicant. The portion which was emphasized and highlighted by the learned C.P.O. pertains to the assurance given on the floor of Assembly that enquiry will be conducted through Commissioner and based on the report of the Commissioner, the appropriate actions will be taken. It is however, not contended anywhere in the impugned order that pursuant to the assurance given on the floor of the Assembly the decision has been taken to initiate departmental enquiry against the applicant. It is thus evident that without contemplating disciplinary proceeding against the applicant the order of suspension has been passed. Since the order suffers from basic lacuna, the applicant has made out a case for staying the effect and operation of the impugned order. Hence, the following order :-

ORDER

(i) Issue notices to respondents, returnable on 21.08.2023.

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O.A. No. 652/2023

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

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

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

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

(vi) The order of suspension, dated 14.07.2023 stands temporarily stayed until further orders. It is clarified that the respondents are not precluded from passing fresh order in consonance with the provisions under law.

(vii) S.O. to 21.08.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 670 OF 2022
(Dr. Rajeshree N. Agarwal Vs. State of Maharashtra & Ors.)

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

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

DATE : 20.07.2023

ORAL ORDER :

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

2. Learned P.O. has tendered some documents as per the order dated 11.07.2023. Same are taken on record.

3. S.O. to 11.08.2023 for hearing.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 586 OF 2022
(Suvarna P. Pawar Vs. State of Maharashtra & Ors.)**

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

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

DATE : 20.07.2023

ORAL ORDER :

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

2. S.O. to 18.08.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 773 OF 2022
(Mangala V. Pawar Vs. State of Maharashtra & Ors.)**

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

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

DATE : 20.07.2023

ORAL ORDER :

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

2. S.O. to 18.08.2023 for hearing. Interim relief granted earlier to continue till then. **High on board.**

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 832 OF 2022
(Dr. Harshal M. Mahajan Vs. State of Maharashtra & Ors.)

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

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

DATE : 20.07.2023

ORAL ORDER :

Shri S.N. Pagare, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent authorities and Shri M.B. Kolpe, learned counsel for respondent No. 3, are present.

2. Await service of notice upon the respondent Nos. 1 to 3.

3. S.O. to 25.07.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

O.A. Nos. 747, 748, 769 749, 750, 751, 777, 778, 787, 788, 796, 803, 790 & 791 all of 2022
(Dr. Sanjyot G. Giri & Ors. Vs. State of Maharashtra & Ors.)

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

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

DATE : 20.07.2023

ORAL ORDER :

S/shri R.R. Wakekar, learned Advocate holding for Shri A.D. Sugdare, J.S. Deshmukh, V.S. Kadam, S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, Avinash Desmukh, V.S. Valse, learned Advocates for the respective applicants in respective O.As., Shri M.P. Gude and S.K. Shirse, learned Presenting Officers for the respondent authorities in respective O.As. and Shri M.B. Kolpe, learned Advocate for respondent No. 2 in O.A. No. 790/2022, for respondent Nos. 2 & 4 in O.A. No. 791/2022 and for respondent No. 3 in other O.As., are present.

2. S.O. to 25.07.2023 for hearing. Interim relief granted earlier, if any to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 827 OF 2022
(Dr. Pramod Y. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 20.07.2023

ORAL ORDER :

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

2. Learned Presenting Officer has rendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 30.08.2023 for filing rejoinder affidavit. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 483 OF 2023
(Venkat M. Kendre Vs. State of Maharashtra & Ors.)

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

DATE : 20.07.2023

ORAL ORDER :

Shri V.B. Narke, learned counsel holding for Shri P.M. Nagargoje, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondent authorities, are present.

2. Learned Presenting Officer has rendered across the bar affidavit in reply on behalf of respondent Nos. 2 & 4. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 27.07.2023 for filing rejoinder affidavit.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 196 OF 2023
(Ganesh U. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 20.07.2023

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondent authorities, are present.

2. Learned Presenting Officer has rendered across the bar affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof has been served on the other side.
3. S.O. to 30.08.2023 for filing rejoinder affidavit.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 607 OF 2023
(Gajanan B. Borse Vs. State of Maharashtra & Ors.)

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

DATE : 20.07.2023

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 24.07.2023 for admission.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 143 OF 2023
(Dwarkadas G. Chikhalikar Vs. State of Maharashtra & Ors.)

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

DATE : 20.07.2023

ORAL ORDER :

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

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 08.08.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 529 OF 2023
(Dr. Shaikh Irfan Usman Vs. State of Maharashtra & Ors.)

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

DATE : 20.07.2023

ORAL ORDER :

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

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 04.08.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 818 OF 2021

(Dr. Ashwini A. Patil Vs. the state of Maharashtra & Ors.)

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

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

DATE : 20.07.2023

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri Ajit Kadethankar, learned Advocate, for the respondent No.6, Shri M.R. Kulkarni, learned Advocate holding for Shri Akshay H. Joshi, learned Advocate for the respondent No.7, Shri S.G. Kulkarni, learned Advocate for the respondent No.8 and Shri Amol T. Jagtap, learned Advocate for the respondent No.9, are present.

2. S.O. to 14.08.2023 for hearing. **High on board.**

3. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 67 OF 2018

(Dr. Mohd. Feroz Iqbal Vs. the state of Maharashtra & Ors.)

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

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

DATE : 20.07.2023

ORAL ORDER :

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

2. S.O. to 25.07.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 20.07.2023

ORIGINAL APPLICATION NO. 892 OF 2018
(Dhananajay D. Chandodkar & Ors. Vs. the state of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 901 OF 2018
(Bhagwat S. Somase Vs. the state of Maharashtra & Ors.)

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

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

DATE : 20.07.2023

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants in both the O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. S.O. to 28.07.2023 for admission. Interim relief granted earlier in O.A.No. 892/2018 to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 653 OF 2023

(Dr. Anil Shrinivasrao Joshi Vs. the state of Maharashtra & Ors.)

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

DATE : 20.07.2023

ORAL ORDER :

Heard Shri Anil S. Joshi, applicant in person and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The applicant has challenged the order dated 13.07.2023 whereby he has been transferred from Government Medical College, Chhatrapati sambhajinagar to Government Medical College, Nandurbar. The applicant submits that he is completing the age of superannuation in the month of February, 2024. In the circumstances, he has prayed for direction against the respondents to retain him at his existing post in view of the specific provision under Rule 5 (1) (a) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

3. Learned C.P.O. for the respondents has sought time for filing the affidavit in reply. In view of the submission made on behalf of the applicant that he is due for retirement in the month of February, 2024 i.e. within one year of the order of transfer issued against him, his request for interim relief deserves to be considered. Hence, the following order:-

ORDER

- (i) Issue notice to the respondents, returnable on 11.08.2023. **Till then the respondents shall allow the applicant to discharge his duties at his existing post.**
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

//3// O.A.653/2023

- (iv) This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- (v) The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- (vi) S.O. to 11.08.2023.
- (vii) Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A.ST.NO. 1371/2023 IN O.A.ST.NO. 1368/2023

(Shri Vinayak Bharamu Redekar Vs. the state of Maharashtra & Ors.)

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

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

DATE : 20.07.2023

ORAL ORDER :

Heard Shri R.G. Tupe, learned counsel holding for Shri R.O. Awasarmol, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application. Hence, the following order.

ORDER

The Original Application stands disposed of since withdrawn without any order as to costs. Since the Original Application stand disposed of the Misc. Application also stands disposed of.

VICE CHAIRMAN

M.A.ST.NO. 1332/2023 IN O.A.ST.NO. 1333/2023

(Shri Bhagatsing Uttam Singal & Ors. Vs. the state of Maharashtra & Ors.)

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

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

DATE : 20.07.2023

ORAL ORDER :

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

2. Learned counsel for the applicants on instructions seeks leave to withdraw the present Original Application. Learned Counsel for the applicants submitted that in the present Original Application the applicants have challenged the provisional select list. Learned counsel further submitted that now the M.P.S.C. has published the recommendation list and in the circumstances the applicants will have to challenge to the said final recommendation list. In the circumstances, leave is sought to withdraw the present Original Application with liberty to file a fresh Original Application

//2// M.A.St.1332/2023 In
O.A.St. 1333/2023

challenging the final recommendation list. In view of the submission made, following order is passed.

ORDER

The Original Application stands disposed of since withdrawn with liberty as prayed for. Since the Original Application stands disposed of, the Misc. Application also stands disposed of. No order as to costs.

VICE CHAIRMAN

SAS ORAL ORDER 20.07.2023

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

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

DATE : 20.07.2023

ORAL ORDER :

Heard Shri A.B. Girase, learned counsel holding for Shri Pralhad D. Bachate, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The applicant has preferred the present Original Application seeking quashment of the order dated 10.7.2023, whereby she has been suspended in contemplation of the departmental enquiry proposed against her. The applicant is presently working as Education Officer (Secondary) in Zilla Parishad at Parbhani. In the impugned order it is alleged that while working on the post of Education Officer (Primary), Zilla Parishad, Parbhani, she granted approvals to the Headmasters, Assistant Teachers, Art Teachers and non-teaching staff working in the private Education Institutes on the basis of the false documents which has subjected the State to suffer huge financial liabilities.

3. Shri Girase, learned counsel appearing for the applicant submitted that the applicant worked as Education Officer (Primary), Zilla Parishad, Parbhani

during the period between 2015 and 2019. It is further contended that in the entire aforesaid period the applicant did not grant any illegal approval or approvals as alleged on the basis of allegedly false documents submitted by the concerned officers. Learned counsel pointed out that the applicant has specifically sworn an undertaking to the effect that if it is noticed that any approval granted by the applicant while working as Education Officer (Primary), Zilla Parishad at Parbhani is illegal or on the basis of false documents, she will unconditionally withdraw the present Original Application.

4. Learned counsel taking me through the documents which are filed on record, submitted that in fact the allegations were and are against one Shri Vitthal Bhusare, who is presently working as Education Officer (Primary), Zilla Parishad at Parbhani. Learned counsel pointed out that the enquiry was conducted and in the report of the said enquiry, which is part of the documents filed on record, no such allegation is against the present applicant that she granted illegal approvals to any of such employees. Learned counsel submitted that no doubt there are certain allegations against the applicant that of not making available concerned files to the enquiry officer and like that however, there is no

allegation as mentioned in the order of suspension. Learned counsel submitted that the applicant has, therefore, made out a *prima facie* case for seeking stay to the order of suspension till the respondents file affidavit in reply in the present matter.

5. Shri S.K. Shirse, learned Presenting Officer appearing for the respondent authorities has opposed the prayer so made by the applicant. Learned P.O. raised preliminary objection that of non-availing of the efficacious remedy by the applicant. Learned P.O. submitted that against the order of suspension the appeal is provided in the provisions under the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 and admittedly the applicant did not prefer any such appeal and directly approached this Tribunal. Learned P.O further submitted that for want of instructions from the respondents, it is difficult for him to make any submission on the correctness of the facts as are stated by the applicant in her undertaking filed today and which are canvassed by her learned counsel. Learned Presenting Officer, in the circumstances, while opposing the prayer for grant of interim relief in favour of the applicant, has sought time to place all necessary details before this Tribunal through affidavit in reply of the respondents.

6. I have duly considered the submissions made on behalf of the applicant, as well as, respondents. Insofar as objection of availing alternate efficacious remedy is concerned, I am not convinced with the objection raised on behalf of the respondents. In view of the fact that the appointing authority is the Government and the impugned order has also been issued under the seal of the Hon'ble Governor, it does not appear to me that objection can be sustained in respect of preferring appeal against the said order.

7. The second contention wherein the applicant has come out with the bold stand that on total false grounds she has been put under suspension and if it is noticed that there are adequate grounds and substance in the allegations made, she will withdraw the present O.A. At this juncture, no much weightage can be given to the undertaking submitted by the applicant. Rule 4 (1) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 provides for suspension of the Government employee if departmental enquiry is contemplated against the said employee. In the impugned order it is specifically stated that the departmental enquiry is proposed against the applicant. In the very first paragraph the State Government has declared its intention to initiate the departmental enquiry against

the applicant. The contention of the applicant that she did not indulge in granting any illegal approvals cannot be accepted as gospel truth. The State Government must have to say something on that. In the circumstances, unless the affidavit in reply of the respondents is received it would be unjust and hasty decision to accept the request of the applicant. However, in view of the fact that the applicant has at the very initial stage come out with the bold stand, which I have mentioned hereinabove, it is clarified that if ultimately it is found that the statement made by the applicant was correct, not only that, the necessary orders will be passed in her favour, but the State would be liable for heavy costs for suspending the applicant on false grounds.

8. However, at this juncture, as I noted earlier, unless the other side explains the facts which necessitated the initiation of the departmental enquiry, it would be unjust and would amount to undue haste to pass any interim order in the present matter. Hence, the following order: -

ORDER

- (i) Issue notice to the respondents, returnable on 4.8.2023.
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

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

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

(vi) S.O. to 4.8.2023.

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

VICE CHAIRMAN

ORAL ORDER 20.07.2023-HDD

**ORIGINAL APPLICATION NO. 665 OF 2021
(Shankar S. Kale Vs. State of Maharashtra & Ors.)**

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

DATE : 20.07.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought more two weeks' time to file affidavit in reply. Due opportunities are already availed by the respondents. However, in the interest of justice time granted as prayed for by way of last chance.

3. S.O. to 4.8.2023.

VICE CHAIRMAN

ORAL ORDER 20.07.2023-HDD

**ORIGINAL APPLICATION NO. 1107 OF 2022
(Shrikrishna V. Bhalsing Vs. State of Mah. & Ors.)**

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

DATE : 20.07.2023

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 9.8.2023.

VICE CHAIRMAN

ORAL ORDER 20.07.2023-HDD

**ORIGINAL APPLICATION NO. 439 OF 2023
(Dr. Vidyasagar R. Patil Vs. State of Maharashtra &
Ors.)**

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

DATE : 20.07.2023

ORAL ORDER :

Ms. Poonam Bodke Patil, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri Ganesh Mohekar, learned counsel for respondent No. 5, are present.

2. Learned Presenting Officer, as well as, learned counsel for respondent No. 5 sought time for filing affidavit in reply. Time granted.

3. S.O. to 3.8.2023.

VICE CHAIRMAN

ORAL ORDER 20.07.2023-HDD

**ORIGINAL APPLICATION NO. 440 OF 2023
(Dr. Nathrao N. Phad Vs. State of Maharashtra & Ors.)**

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

DATE : 20.07.2023

ORAL ORDER :

Ms. Poonam Bodke Patil, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel appearing for the applicant, reissue notices to respondent Nos. 1 to 4, returnable on 3.8.2023.

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

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

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

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

7. S.O. to 3.8.2023.

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

VICE CHAIRMAN

ORAL ORDER 20.07.2023-HDD

**ORIGINAL APPLICATION NO. 437 OF 2023
(Dr. Prakash Genu Kamble Vs. State of Maharashtra &
Ors.)**

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

DATE : 20.07.2023

ORAL ORDER :

Ms. Poonam Bodke Patil, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 3.8.2023.

VICE CHAIRMAN

ORAL ORDER 20.07.2023-HDD

**ORIGINAL APPLICATION NO. 442 OF 2023
(Dr. Sudhakar G. Latpate Vs. State of Maharashtra &
Ors.)**

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

DATE : 20.07.2023

ORAL ORDER :

Ms. Poonam Bodke Patil, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 3.8.2023.

VICE CHAIRMAN

ORAL ORDER 20.07.2023-HDD

**ORIGINAL APPLICATION NO. 443 OF 2023
(Dr. Sanjay K. Kasralikar Vs. State of Maharashtra &
Ors.)**

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

DATE : 20.07.2023

ORAL ORDER :

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

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

3. S.O. to 3.8.2023.

VICE CHAIRMAN

ORAL ORDER 20.07.2023-HDD

**M.A.NO. 208/2023 IN O.A.ST.NO. 544/2023
(Nisha Balasaheb Ghatule Vs. State of Maharashtra &
Ors.)**

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

DATE : **20.07.2023**

ORAL ORDER :

Heard Ms. Nima R. Suryawanshi, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to respondents on application of condonation of delay, returnable on 31.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 31.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.645/2023
(Pralhad V. Kurewad Vs. State of Maharashtra & Ors.)

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

DATE : 20-07-2023

ORAL ORDER :

Shri Ravindra B. Ade, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

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

ORIGINAL APPLICATION NO.646/2023
(Sahebrao N. Shewale Vs. State of Maharashtra & Ors.)

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

DATE : 20-07-2023

ORAL ORDER :

Shri S.S.Shinde, learned Counsel holding for Shri Vivek Bhavthankar, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to respondents, returnable on 30-08-2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 30-08-2023.
8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO.647/2023
(Subodh Gulab Khillare & Ors. Vs. District Collector,
Parbhani & Anr.)

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

DATE : 20-07-2023

ORAL ORDER :

Smt. Vijaya Adkine, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to respondents, returnable on 31-08-2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 31-08-2023.
8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO.648/2023
(Dr. Swati S. Nunewar Vs. State of Maharashtra & Ors.)

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

DATE : 20-07-2023

ORAL ORDER :

Heard Shri J.S.Deshmukh, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. The order dated 10-06-2023 whereby the applicant has been transferred from Hingoli to Bhandara is questioned by the applicant in the present O.A. Learned Counsel for the applicant submitted that the applicant is working on the post of Blood Transmission Officer which is a technical post. According to contention of the applicant she is the only technical officer working in District Hospital Hingoli at Hingoli. Learned Counsel pointed out that some methodology was adopted by the State Government for effecting transfers this year. Learned Counsel pointed out that the online process was conducted wherein it was in many words clarified that wherever there is a single person working on a technical post the said person will not be considered for transfer. Accordingly, information

was filled in by the present applicant and it was accepted. Learned Counsel pointed out that subsequently Government also declared that the persons like applicant who are working on technical post shall not be considered for transfer. Learned Counsel submitted that subsequently the said stand was changed by the respondents and applicant therefore submitted her options if at all she was to be transferred from Hingoli. Learned Counsel further pointed out that though the places or posts to which the options/preferences given by the applicant are vacant, without considering the applicant's request to transfer her at the said place, vide the impugned order she has been transferred to Bhandara which is at a distance of about 400 km from Hingoli.

3. Learned Counsel pointed out that there are certain guidelines for transferring a Government employee wherein it is provided that as far as possible the employee be transferred in the same District if the post is vacant. If no post is vacant in the district and the said post is vacant in the Division then in that case in that Division he/she will be given posting and if the post is not available

even in the entire Division then option of posting or transferring a Government employee out of the Division will be exercised. Learned Counsel submitted that by violating all these norms the applicant has been transferred to Bhandara. Learned Counsel submitted that till yesterday the applicant was discharging her duties on the existing post and abruptly she has been informed that she has been relieved from the post.

4. Learned Counsel submitted that till today no one has been posted in place of the applicant. Learned Counsel further submitted that the applicant being working on the technical post and she alone is the technical person working on the said post, it is even hazardous to keep the said post vacant. Learned Counsel in the circumstances has prayed for directions to the respondents to allow the applicant to continue to discharge her duties at the existing post at least till filing of the affidavit in reply by the respondents.

5. Shri Gude, learned P.O. opposed for grant of any such relief in favour of the applicant. Learned P.O. submitted that when the post is transferable

and the transfers can be effected all over the State, the Government employee cannot make a grievance in respect of posting and cannot insist for a particular post or a particular place seeking his/her transfer. He has relied on the judgments of the Hon'ble Apex Court. Learned P.O. submitted that the instructions are not yet received and in the circumstances on facts it is not possible for him to make any comment. Learned P.O. also pointed out that the applicant is working at Hingoli since last 9 years and she is overdue for transfer. He has, therefore, sought time to file affidavit in reply in the matter.

6. I have duly considered the submissions advanced on behalf of the applicant as well as the learned P.O. Applicant is not disputing that she has completed her ordinary tenure on her existing post. The applicant has opposed the impugned transfer order on different grounds. Grounds which are raised are particularly supported by documents placed on record by the applicant. From the documents, it is evident that initially the post on which the applicant was working was held to be in the category of not to be considered for transfer on

the ground that the applicant is the only technical person working in the Government Hospital at Hingoli. From the documents, it further revealed that options were given by the applicant for transfer in the adjoining districts and the posts are also vacant for which the options were given.

7. In the circumstances, *prima facie* case is made out by the applicant. Hence, I deem it appropriate to pass the following order:

ORDER

[i] Issue notice to respondents, returnable on 11-08-2023. **Till then the respondents shall allow the applicant to perform her duties on the existing post.**

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

[iii] Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to

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

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

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

[vi] S.O. to 11-08-2023.

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

ORIGINAL APPLICATION NO. 649 OF 2023
(Shri Hemantkumar P. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 20.7.2023

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent.

2. Order dated 18.7.2023 passed by the respondent, the Superintendent of Police, Dhule, thereby shifting the applicant from Local Crime Branch (for short 'LCB'), Dhule to Police Control Room, Dhule is challenged by the applicant by filing the present Original Application. Applicant was transferred to Dhule District sometimes in the year 2019. His ordinary tenure as provided under Section 22N(1) of the Maharashtra Police Act, 1951 in the District was of four years. The applicant, on the ground of family difficulties requested the Inspector General of Police, Nashik to retain him in Dhule District and the request so made by the applicant was allowed by the Special Inspector General of Police, Nashik Range, vide his order dated

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30.6.2023. Thereafter, the respondent has passed the impugned order shifting the applicant from LCB to Police Control Room, Dhule.

3. The grievance of the applicant is that the order passed by respondent is illegal and violating the provisions under the Maharashtra Police Act. Learned counsel for the applicant submitted that in view of the provision under Section 22N(1)(c) of the Maharashtra Police Act the applicant was entitled for tenure of 3 years so far as his posting in the LCB is concerned. Learned counsel submitted that the applicant was brought in LCB sometimes in the year 2022 vide order dated 19.4.2022. According to the learned counsel since the applicant had not completed his ordinary tenure in the LCB he was not liable to be shifted from the said department. It is the further contention of the applicant that the impugned order is not only midterm transfer of the applicant but is also mid-tenure transfer and is in violation of provisions of Section 22N of the Maharashtra Police Act. It has also been argued that once the extension was granted by Inspector General of Police, Nashik, respondent was not

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having any right or authority to shift the applicant from the existing post under LCB and post him at Control Room that too temporarily and until further orders. Learned counsel submitted that there is no such provision under the Maharashtra Police Act issuing such type of orders. Learned counsel, in the circumstances, has prayed for staying the effect and operation of the impugned order till the decision of the present O.A.

4. Shri M.S. Mahajan, learned Chief Presenting Officer appearing for the respondent has opposed for grant of any interim relief. Learned C.P.O. has tendered across the bar the communication dated 19.7.2023 received to him from the respondent. Same is taken on record. Learned C.P.O. submitted that respondent is competent to make such appointment within district having regard to the administrative exigencies. Learned C.P.O. further submitted that the provisions as are referred by the learned counsel for the applicant may not be strictly applicable in the facts of the present case. Learned C.P.O. submitted that the provisions under Section 22N are to be read as a whole and also along with

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other provisions under Section 22 and cannot be read isolatedly. Learned C.P.O. submitted that there cannot be a dispute about the tenure of officer of the rank of P.I. in a District for four years. Learned C.P.O. further submitted that applicant has admittedly completed the tenure of 4 years in Dhule District, however, since extension has been granted, he continued to be in Dhule District, however, it does not take away the right of the competent authority to change his posting in the District according to administrative need.

5. I have duly considered the submissions advanced by the learned counsel for the applicant and the learned C.P.O. Before advertng to the facts as canvassed, I deem it appropriate to note down the relevant provisions under the Maharashtra Police Act, more particularly under section 22(N): -

“22N. Normal tenure of Police Personnel, and Competent Authority

(1) Police Officers in the police force shall have a normal tenure as mentioned below, subject to the promotion or superannuation :-

(a) for Police Personnel of and above the rank of Deputy Superintendent of Police or Assistant Commissioner of Police a normal tenure shall be of two years at one place of posting;

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(b) for Police Constabulary a normal tenure shall be of five years at one place of posting;

(c) for Police Officers of the rank of Police Sub- Inspector, Assistant Police Inspector and Police Inspector a normal tenure shall be of two years at a Police Station or Branch, four years in a District and eight years in a Range, however, for the Local Crime Branch and Special Branch in a District and the Crime Branch and Special Branch in a Commissionerate, a normal tenure shall be of three years.

(d) for Police Officers of the rank of Police Sub-Inspector, Assistant Police Inspector and Police Inspector a normal tenure shall be of six years at Commissionerates other than Mumbai, and eight years at Mumbai Commissionerate;

(e) for Police Officers of the rank of Police Sub-Inspector, Assistant Police Inspector and Police Inspector in Specialized Agencies a normal tenure shall be of three years.

The Competent Authority for the general transfer shall be as follows, namely :-

<i>Police Personnel</i>	<i>Competent Authority</i>
<i>(a) Officers of the Indian Police Service</i>	<i>... Chief Minister</i>
<i>(b) Maharashtra Police Service Officers of and above the rank of Deputy Superintendent of Police</i>	<i>... Home Minister</i>
<i>(c) Officers up to Police Inspector</i>	<i>... (a) Police Establishment Board No. 2. (b) Police Establishment Board at Range Level. (c) Police Establishment Board at Commissionerate Level. (d) Police Establishment Board at District Level. (e) Police Establishment Board at the Level of Specialized Agency];</i>

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Provided that, the State Government may transfer any Police Personnel prior to the completion of his normal tenure, if,-

(a) disciplinary proceedings are instituted or contemplated against the Police Personnel; or

(b) the Police Personnel is convicted by a court of law; or

(c) there are allegations of corruption against the Police Personnel; or

(d) the Police Personnel is otherwise incapacitated from discharging his responsibility ; or

(e) the Police Personnel is guilty of dereliction of duty.

(2) In addition to the grounds mentioned in sub-section (1), in exceptional cases, in public interest and on account of administrative exigencies, the Competent Authority shall make mid-term transfer of any Police Personnel of the Police Force:

Explanation. - For the purposes of this sub-section expression "Competent Authority" shall mean:-

	<i>Police Personnel</i>	<i>Competent Authority</i>
<i>(a)</i>	<i>Officers of the Indian Police Service</i>	<i>Chief Minister;</i>
<i>(b)</i>	<i>Maharashtra Police Service Officers of and above the rank of Deputy Superintendent of Police</i>	<i>Home Minister;</i>
<i>(c)</i>	<i>Police Personnel up to the rank of Police Inspector for transfer out of the Respective Range or Commissionerate or Specialized Agency.</i>	<i>Police Establishment Board No. 2;</i>
<i>(d)</i>	<i>Police Personnel upto the rank of Police Inspector</i>	<i>Police Establishment Boards at the Level of</i>

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*for transfer within the
respective Range,
Commissionerate or
Specialized Agency*

*Range, Commissioneerate
or Specialized Agency, as
the case may be;*

(e) *Police Personnel upto the rank
of Police Inspector for transfer
within the District.*

*Police Establishment
Board at District
Level:*

*Provided that, in case of any serious complaint,
irregularity, law and order problem the highest Competent
Authority can make the transfer of any Police Personnel
without any recommendation of the concerned Police
Establishment Board.”*

6. Section 22N(1)(c) read as it is, it provides that normally the tenure for the Police Officer of the rank of P.I. shall be of 2 years at a Police Station or Branch, 4 years in a District and 8 years in a Range. It however, further prescribes that tenure in the LCB and Special Branch in a district and the Crime Branch and Special Branch in a Commissioneerate, a normal tenure shall be of 3 years. Aforesaid provision is emphasized by the learned counsel in support of his arguments that on the post of PI in LCB the applicant has not completed the period of 3 years i.e. normal tenure as prescribed in the aforesaid provision.

7. In the above circumstances, it has been argued that the respondent could not have shifted the

applicant from LCB when he has spent 15 months period on the said post and before completing his ordinary tenure of 3 years. In this context, it is stated that the impugned order is to be held as midterm and mid-tenure transfer. It has been further argued that though midterm and mid-tenure transfers are also possible, such powers are with the State Government and not with the respondent. Learned counsel submitted that from communication which learned C.P.O. tendered on record today it seems that applicant has been transferred on the allegation of dereliction in duty. The learned counsel further submitted that even in such case the competent authority which could have shifted the applicant from his existing post was the State Government and not the Superintendent of Police. In the circumstances, it is the contention of the applicant that the impugned order is contrary to the provisions of the Maharashtra Police Act.

8. There cannot be a dispute that normal tenure of the officer of the rank of P.I. in one District is 4 years. The applicant is not disputing that he has completed the said period. It has also not been

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disputed that extension for 1 year was sought by the applicant and it is granted until further orders by Special Inspector General of Police, Nashik Range. It is not also in dispute that on the post of P.I., L.C.B. the applicant was posted w.e.f. 19.4.2022 and he has thus completed the period of around 15 months on the said post. As provided under clause (c) of Section 22N(1) the normal tenure of officer of the rank of P.I. in the LCB shall be of 3 years. As stated hereinabove the entire thrust of the applicant is on the aforesaid provision and it has been sought to be contended that before completing the normal tenure of 3 years on the said post the applicant has been shifted. However, in a query made by the Tribunal, learned counsel for the applicant agreed that the normal tenure of the officer of the rank of P.I. in one district shall be of 4 years. If this be so the interpretation of clause (c) of Section 22N(1) will have to be differently made. It is not in dispute that the applicant was posted in Dhule district in the year 2019. Initially he was posted at Dhule Taluka Police Station. Vide order dated 19.4.2022 he was shifted from Dhule Taluka Police Station to LCB Dhule. Question arises whether the contention of

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the applicant that now he cannot be shifted from LCB unless he completes period of 3 years there, cannot be accepted, if the provision under Section 22N(1)(c) is interpreted in holistic manner. It was then explained by the learned counsel that he is not interpreting the said provision to mean that once a P.I. is shifted to LCB he shall be kept in the said Branch beyond the ordinary tenure as provided of 4 years under Section 22N(1)(c). Learned counsel submitted that it is the only contention of the applicant that when his extension was allowed by the Inspector General of Police when he was working in LCB, unless said extension is withdrawn or modified by the Inspector General of Police, respondent could not have passed the impugned order thereby shifting the applicant from LCB to Police Control Room.

9. The contention so raised also cannot be accepted. It is true that power to grant extension was to be exercised by the Inspector General of Police, Nashik Range, and accordingly that has been exercised. Request of the applicant was for his retention in Dhule District for certain more period

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and said request was accepted and accordingly an order was passed to retain him in Dhule district until further orders. Extension so granted by the Inspector General of Police, however, cannot be interpreted to mean that the powers vested in the competent authority, whoever it might be, to transfer the applicant within the district if such contingency arises are taken away.

10. The question is, whether the S.P. could have exercised such powers? In this regard certain more provisions are necessary to be noted. Section 22J(2) is one such relevant provision which reads thus,

“22J-2. Functions of Police Establishment Board at District Level

The Police Establishment Board at District Level shall perform the following functions, namely:-

(a) The Board shall decide all transfers, postings of Police Personnel to the rank of Police Inspector within the District Police Force.

(b) The Board shall be authorized to make appropriate recommendation to the Police Establishment Board No. 2 regarding the postings and transfers out of the District.

Explanation. – For the purposes of this section, the expression “Police Personnel” means a Police Personnel to the rank of Police Inspector.”

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As mentioned under the aforesaid section the Police Establishment Board at District level shall decide all transfers, postings of the Police personnel to the rank of P.I. within the District Police Force. The powers to direct the posting or transfers within the District Police Force thus are vested in the Police Establishment Board at District level.

11. During course of arguments, specific query was made by me with the learned C.P.O. about the procedure adopted while issuing the impugned order and more particularly whether it was a decision of S.P. alone or of the Police Establishment Board at District Level. At the relevant time, learned C.P.O. could not give any specific answer. However, after some time learned C.P.O. submitted that he has taken instructions in this regard and according to the information provided to him the decision to shift the applicant from LCB to Police Control Room, Dhule has been taken by the Police Establishment Board at District Level in its meeting held on 18.7.2023. Learned counsel for the applicant seriously objected for considering the information, which has been submitted later on alleging it to be afterthought.

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12. In view of the submissions advanced and the facts disclosed before me, I found it appropriate to direct the respondents to call for the minutes of the meeting held of the Police Establishment Board at District Level within half an hour and produce it on record by 3.00 pm. Accordingly, learned CPO has placed on record copy of the minutes of the meeting held of Police Establishment Board at District Level on 18-07-2023. Same is taken on record. Copy of it is given to the learned Counsel appearing for the applicant.

13. Learned CPO submitted that the decision to effect transfer of the applicant from LCB to Control Room was taken by the Police Establishment Board of Dhule District in the aforesaid meeting. Learned CPO pointed out that one of the members i.e. Additional Superintendent of Police Shri Kishor Kale was not available on 18-07-2023 and two members who were present in the meeting have taken the decision and the minutes of the meeting are signed by the said two members only. Learned Counsel for the applicant submitted that the decision taken by the Board cannot be said to have taken by a duly

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constituted Police Establishment Board and it may not be considered. Learned Counsel submitted that there is no provision in the Maharashtra Police Act that the Police Establishment Board at District Level can take decision by majority. Learned Counsel submitted that unless all the three members are there, the meeting of the Police Establishment Board at District Level cannot be convened and the decision by the Board, the constitution of which is not in accordance with the provisions of law is not binding. Learned Counsel submitted that it is not understood as to why the respondents did not think it appropriate to wait till the member Shri Kishor Kale becomes available and chose to hold the meeting in his absence. Learned Counsel was persuasive in submitting that the decision taken in such meeting by the Board which is not duly constituted, cannot be said to be legal.

14. I have given due consideration to the submissions so made. Whether the decision taken by the members available of the Police Establishment Board at the District Level as is appearing in the present matter, two out of three

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members only were present for the said meeting, whether can be held to be a valid and legal decision is the issue which requires to be considered. At present, there are rival contentions and the controversy can be resolved at the time of hearing of the matter after the pleadings are completed. What is essential at this juncture is to see whether while passing the impugned order the required compliances are substantially made or not. In the impugned order there is sufficient reference of the relevant provisions. I deem it appropriate to reproduce the impugned order as it is in vernacular, which reads thus:

“दिनांक :- १८ जुलै, २०२३

संदर्भ :- सन-२०१५ चा महाराष्ट्र अधिनियम क्रमांक ११,
दिनांक ०६ एप्रिल, २०१५

विषय :- पोलीस अधिकारी यांच्या जिल्हयांतर्गत बदल्या/ नेमणुकाबाबत.

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आ दे श

महाराष्ट्र पोलीस अधिनियम, १९५१ मधील कलम २२न(१)व (२) नुसार जिल्हा स्तरावरील पोलीस आस्थापना मंडळास पोलीस निरीक्षक या दर्जापर्यन्तचे पोलीस अधिकारी यांच्या जिल्हया अंतर्गत सामान्य पदावधी पुर्ण होणे पुर्वी किंवा कालावधी पुर्ण झालेला आहे त्यांच्या सर्वसाधारण बदल्या करण्याबाबतचे अधिकार

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प्रदान करण्यात आलेले आहेत. सदरहु प्रदान करण्यात आलेल्या अधिकरान्वये धुळे जिल्हा पोलीस दलाचे आस्थापनेवरील खालील नमुद पोलीस अधिकारी यांची तात्पुरत्या स्वरुपात त्यांच्या नावासमोर दर्शविलेल्या ठिकाणी पुढील आदेश होईपावेतो तात्पुरती नेमणूक करण्यात येत आहे.

अ. क्र.	पेलिस अधिकारी यांचे नाव व पदनाम	सध्याचे नेमणूकीचे ठिकाण (कोटून)	तात्पुरते नेमणूकीचे ठिकाण (कोठे)
9	पोनि. हेमंतकुमार प्रभाकर पाटील	स्थानिक गुन्हे शाखा, धुळे	नियंत्रण कक्ष, धुळे

सपोनि, प्रकाश विक्रम पाटील नेमणूक स्थानिक गुन्हे शाखा, धुळे यांचेकडेस स्थानिक गुन्हे शाखेचा अतिरिक्त कार्यभार सोपविण्यात येत आहे. पोनि. हेमंतकुमार प्रभाकर पाटील यांनी स्थानिक गुन्हे शाखेचा कार्यभार सपोनि. प्रकाश विक्रम पाटील यांचेकडेस हस्तांतरीत करावा व तसा अहवाल इकडिल कार्यालयास सादर करावा.

सही/-
(संजय बारकुंड)
पोलीस अधिक्षक, धुळे

प्रति,

पोनि. हेमंतकुमार प्रभाकर पाटील नेमणूक स्थानिक गुन्हे शाखा, धुळे
सपोनि. प्रकाश विक्रम पाटील नेमणूक स्थानिक गुन्हे शाखा, धुळे.”

15. It reveals that the impugned order has been passed by invoking provisions under Section 22-N1 and 22-N2 for which the Police Establishment Board at District Level is the competent authority. In support of the contentions so made in the impugned

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order the CPO has tendered copy of the minutes of the meeting held of the Police Establishment Board at District Level on 18-07-20203. Under Section 22-N2, which I have reproduced hereinabove as provided in sub clause-e thereof the Police personnel up to the rank of Police Inspector can be transferred within the District by the Police Establishment Board at District Level. The impugned order reveals that while passing the impugned order the said provision has been invoked and the minutes of the meeting held of the Police Establishment Board at District Level on 18-07-2023, corroborates the same. The objections whether these minutes are afterthought and subsequently prepared cannot be gone into at the interim stage. It can be decided only after the pleadings are completed and all relevant documents are placed on record.

16. For the reasons discussed hereinabove, it does not appear to me that any case is made out by the applicant for grant of interim relief as prayed for by him, thereby staying the effect and operation of the impugned order. I am not therefore inclined to grant any interim relief. Hence, the following order:

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ORDER

[i] Issue notice to respondents, returnable on 04-08-2023.

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

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

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

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

[vi] S.O. to 04-08-2023.

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

VICE CHAIRMAN

M.A. ST. NO. 1394/2023 IN O.A. NO. 649/2023
(Shri Ravindra N. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 20.7.2023

ORAL ORDER :

Heard Shri Sachin Deshmukh, learned counsel for the applicant in the present Misc. Application, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent No. 2 in M.A. and Shri Avinash S. Deshmukh, learned counsel for respondent No. 1 in M.A./applicant in O.A.

2. The applicant has filed the present application seeking intervention in Original Application No. 649/2023. The Original Application has been filed by an officer of the rank of Police Inspector seeking quashment of the order dated 18.7.2023, whereby he has been shifted to Police Control Room, Dhule from Local Crime Branch (for short L.C.B.) at Dhule. In the aforesaid order the charge of the post of Police Inspector of L.C.B. was directed to be held by one Prakash Patil, Assistant Police Inspector in L.C.B. Dhule. Subsequently vide another order passed by the S.P. Dhule, charge of the post of P.I., L.C.B. Dhule was directed to be kept with P.I. Shri

Ravindra N. Deshmukkh, who is working in the District Special Branch Dhule. Said Shri Ravindra Deshmukh has preferred the present intervention application.

3. Shri Sachin Deshmukh, learned counsel for the intervenor submitted that in view of the order passed by the S.P. Dhule on 18.7.2023 the intervenor has already taken over the charge of the post of applicant in O.A. and has started discharging his duties. Learned counsel submitted that since the intervenor has already taken over the charge of the post of P.I., L.C.B., Dhule, which the applicant in O.A. was holding, any order passed in O.A. No. 649/2023 would certainly affect the rights of the intervenor. In the circumstances, according to learned counsel, intervention application has to be allowed and intervenor needs to be added as party respondent in O.A.

4. Shri M.S. Mahajan, learned Chief Presenting Officer appearing for the respondent No. 2 has submitted for passing appropriate orders in the matter.

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5. Shri Avinash Deshmukh, learned counsel for respondent No. 1 in M.A. / applicant in O.A. has opposed for allowing the intervention application stating that no prejudice is likely to be caused to the intervenor.

6. I have duly considered the submissions advanced by the learned counsel for the parties and the learned Chief Presenting Officer. It need not be stated that if a person likely to be aggrieved by order passed in any petition/O.A. etc. which may prejudicially affect interest of the said person, he has every right to seek intervention in the said matter and to put-forth his side before the Court/ Tribunal where the matter is pending. In the instant matter the intervenor is substantively holding the post of P.I. in District Special Branch (for short 'DSB), Dhule. In addition to his duties of the said post the S.P. Dhule has directed him to hold charge of the post of applicant in O.A., who has now been shifted to Police Control Room, Dhule. Though Shri Avinash Deshmukh, learned counsel for the applicant in O.A. has disputed the act of taking over charge by the intervenor, having regard to the

documents on record and considering the submissions made on behalf of respondent through learned C.P.O. it has come on record that the intervenor has taken over the charge of the post on which the applicant in O.A. was working and who now stands shifted to Control Room, Dhule. However, moot question in the present matter is what prejudice is likely to be caused to the present applicant because of the orders which may be passed in the O.A. It is not the case of the intervenor that he has got regular posting on the post which was held by the applicant in O.A. He has been simply asked to hold the said charge in addition to duties of his substantive post. In both the contingencies, if the O.A. is allowed or dismissed by the Tribunal, the intervenor is not likely to be prejudicially affected. Insofar as legal aspects are concerned existing respondent is there to take care of the said situation. In my opinion, there is no ground for intervenor to seek intervention in the O.A. for the reasons stated by me as above I am, therefore, not inclined to allow the M.A. for intervention. Hence, the following order: -

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ORDER

Misc. Application stands rejected. No order as to costs.

VICE CHAIRMAN