ORIGINAL APPLICATION NO. 409/2021 (Govind R. More Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Smt. Priya R. Bharaswadkar, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, as a last chance S.O. to 15.12.2022 for filing affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 491/2021 (Bhagwan S. Naik Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri Vijay V. Deshmukh, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 15.12.2022 for filing affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 11/2022 (Sahebrao D. Wankhade Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri Girish N. Kulkarni (Mardikar), learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.12.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 497/2022 (Sachin J. Jadhav Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23.11.2022

ORAL ORDER:

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

2. The learned PO has sought some more time for filing the reply. Though last chance was granted to the respondents to file the affidavit in reply, the same is not filed. However, in the interest of justice by way of one more last chance, time is granted to the respondents for filing the reply. It is however made clear that if the reply is not filed by the next date, the matter will be placed for hearing without reply of the respondents.

3. S.O. to 19.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 500/2022 (Jaganlal B. Kewat Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23.11.2022

ORAL ORDER:

Shri KB Jadhav, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has tendered across the bar the affidavit in reply on behalf of respondent no. 3. It is taken on record and copy thereof has been supplied to other side. The learned counsel submits that he does not wish to file rejoinder affidavit.

3. In the circumstances, S.O. to 15.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 846/2022 (Sadashiv Sawai Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri AD Gadekar, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Await Service.

3. S.O. to 16.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 847/2022 (Keshav G. Lohar Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri AD Gadekar, learned counsel for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

- 2. Await Service.
- 3. S.O. to 16.12.2022.

VICE CHAIRMAN

MA 229/2021 IN OA ST. 655/2021 (Pundlik Ambhore Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri AG Vasmatkar, 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 PO, S.O. to 4.1.2023 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

MA 411/2021 WITH MA 126/19 IN OA ST. 534/2019 (Sachin B. Waghmare Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri Amol Gandhi, learned counsel for the applicant (**absent**). Smt. MS Patni, learned Presenting Officer for the respondent authorities and Shri SB Mene, learned counsel for respondent no. 2 in MA No. 126/2019, are present.

2. Though by way of one more last chance time was grated to the respondents for filing the affidavit in reply, till date the same is not filed.

3. Hence, S.O. to 20.12.2022 for hearing.

VICE CHAIRMAN

MA 295/2022 IN OA ST. 910/2022 (Nanda Nagare & Ors. Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23.11.2022

ORAL ORDER:

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

2. At the request of learned PO, S.O. to 22.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

MA 453/2022 IN OA ST. 1562/2022 (Vishwanath Diwate Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23.11.2022

ORAL ORDER:

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

2. At the request of learned PO, S.O. to 21.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

MA 472/2022 IN OA ST. 1845/2022 (Harischandra Fulpagare Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri KB Jadhav, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 15.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 760/2022 (Hitesh Vispute Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23.11.2022

ORAL ORDER:

Heard Shri KB Jadhav, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned counsel for the applicant, issue fresh notice to respondent no. 1, returnable on 4.1.2023.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 4.1.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

O.A. NO. 188/2022 (Gorakh M. Shinde Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri Girish A. Awale, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Though last chance was granted to the respondents for filing the affidavit in reply, till date the same is not filed.

3. At the request of learned PO, as one more last chance, S.O. to 10.1.2023 for filing the affidavit in reply of the respondent nos. 1, 3 & 4.

VICE CHAIRMAN

O.A. NO. 679/2022 (Sanjay Jagtap Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri VB Wagh, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Though last chance was granted to the respondents for filing the affidavit in reply, till date the same is not filed.

3. At the request of learned PO, as a one more last chance, S.O. to 2.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

O.A. NO. 680/2022 (Subhash S. Patil Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri VB Wagh, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Though last chance was granted to the respondents for filing the affidavit in reply, till date the same is not filed.

3. At the request of learned PO, as a one more last chance, S.O. to 2.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.723/2021 (Amol Rathod Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23-11-2022

ORAL ORDER:

Heard Shri Amol N. Kakde, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities.

- 2. Aggrieved by the order of transfer dated 09-08-2021 issued by respondent no.3 thereby transferring the applicant from the office of respondent no.3 (Commissioner, Soil and Water Conservation, WALMI area, Kanchanwadi, Aurangabad) to the office of Regional Water Conservation Officer, Soil and Water Conservation Division, Aurangabad has been questioned by the applicant. Applicant was transferred in the office of Regional Water Conservation Officer, Aurangabad w.e.f. 09-08-2021.
- 3. Transfer order has been challenged on more than one ground. First ground which has been raised by the applicant is that, it is a stigmatic order as if the chargesheet is issued against the applicant,

that too, without giving due opportunity to the applicant before issuance of such order. Second objection as has been raised is about not following the procedure as laid down in various Government Circulars, more particularly, Government Resolution dated 31-01-2014, as well as under the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the "Transfer Act").

4. It is the contention of the applicant that the respondent no.3 could not have transferred the applicant by the impugned order without referring the matter to the Civil Services Board. It is also contention of the applicant since the transfer of the applicant has not been done under annual general transfers, it has to be held as mid-term transfer. It is further contended that allegations as are levelled in the impugned order are false and actuated with malice. In the circumstances, the applicant has prayed for setting aside the said order and further direction to the respondents to permit the applicant to discharge his duties on his existing post from which he has been transferred.

- 5. Learned Counsel for the applicant at the beginning of the arguments itself has pointed out that the applicant has obeyed the impugned order and accordingly has resumed at the transferred place within the given time. It is further brought to my notice that on 24-09-2021 the applicant has submitted his detailed explanation to the Additional Chief Secretary, Soil and Water Conservation Division, Mantralaya, Mumbai as about allegations levelled against him in the order of transfer. Learned Counsel for the applicant by inviting my attention to the relevant Circulars as well as the provisions of the Transfer Act submitted that if the impugned order is tested on the criteria prescribed in the Circular dated 31-01-2014 as well as in the Transfer Act, may not be sustained. Learned Counsel, therefore, prayed for allowing the O.A.
- 6. The respondents though were given due opportunities to file affidavit in reply, same has not been filed. In the circumstances, my learned predecessor has already passed the order for the hearing of the present matter without written reply of the respondents.

7. Learned P.O. has opposed the contentions raised in the O.A. referring to the documents on record. It is the contention of the learned P.O. that the applicant has been transferred from one office to another in the same premises at Aurangabad and as such it is difficult to concede to the submissions made on behalf of the applicant that some inconvenience has caused to the applicant. Learned P.O. has submitted that the applicant has not stated any reason pointing out as to what prejudice has been caused to him because of the impugned order of transfer. Learned P.O. further submitted that having regard to the contents of the letter of transfer, it is explicitly clear that the presence of the applicant in the office of respondent no.3 was felt detrimental for smooth functioning ofthe administration and as such the applicant was required to be transferred to some other office at the earliest and in the circumstances, the impugned order came to be passed. It is further argued that there is no blanket bar for the head of the office for passing an order without referring the matter to the Civil Services Board. Learned P.O. submitted that having regard to the circumstances which

necessitated the transfer of the applicant, the order cannot be faulted with and the O.A. deserves to be dismissed.

8. I have considered the submissions advanced on behalf of the applicant as well as the respondent authorities. I have also gone through the documents filed on record. During the course of hearing certain queries made by me to the learned Counsel for the applicant as to whether any further action has been initiated against the applicant, more particularly, whether any chargesheet has been served upon the applicant and the departmental enquiry whether has been initiated against him. It is informed that chargesheet has been served upon the applicant and it seems that the departmental enquiry has been initiated against the applicant. When it was specifically asked whether the departmental enquiry contains the charges which are mentioned in the order of transfer, it has been informed that along with the said charges some additional charges are also there in the chargesheet of departmental enquiry and enquiry is thus proceeding further.

- =6=
- 9. In view of the facts and circumstances of the case, two questions fall for my consideration; first, whether in the order of transfer such reasons that too in detail, which may castigate the employee can be included and, second, whether in the circumstances as are stated in the order of transfer, the impugned order can be said to have been passed against the guidelines laid down in that regard and further whether it can be held sustainable.
- 10. An argument has been advanced on behalf of the applicant that in the order of transfer the authorities concerned may not castigate the employee which may amount to stigma on his career, as has been done in the present matter. It is a general objection which is raised in the matters of transfers that while transferring an employee midterm, no reasons are mentioned which may substantiate the said act of transfer. Perhaps, this may be a reason that the respondent no.3 has provided the reasons for ordering the transfer of the applicant vide the impugned order.
- 11. In view of the further developments, which had taken place, it appears to me that this is not an

appropriate case wherein indulgence may be caused by this Tribunal. However, I would like to caution the Government authorities to refrain from raising such averments that too in so detail, which may amount to a stigmatic transfer. The authorities are having power and authority to refer the matter to the appropriate authorities with their recommendations and get the necessary orders passed to safeguard the interest of that office and administration.

- 12. In the present matter, learned Counsel for the applicant has tried to convince that majority charges are exaggerated and there may not be any supporting evidence therefor. It has been also contended that the applicant was holding additional charge of two postings with his own work and that may be the reason that the applicant was heavily burdened with the duties and some mistakes might have occurred but those cannot be held to be serious mistakes on the part of the applicant.
- 13. It appears to me that the applicant will have full opportunity in view of the fact that the department has now decided to conduct an enquiry

and chargesheet in that regard has also been issued. In the circumstances, it may not be proper on my part to make any more discussion or express my opinion on the allegations levelled against the applicant.

- 14. In view of the fact that the applicant has resumed another office and his headquarter has remained the same, the inconvenience at the family level cannot be attributed. It further appears to me that in teeth of the allegations levelled against the applicant, it may not be in his own interest also to seek transfer to the erstwhile office. As such, though I have made some observations about the impugned order, I am not inclined to pass any further order as has been sought by the applicant.
- 15. O.A., thus, stands disposed of with the aforesaid observations without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.470/2021 (Nanda K. Kshirsagar Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Heard Shri M.B.Kolpe, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities.

- 2. It is the grievance of the applicant that she has not been given posting and transfer of her choice and has been posted at a place which is not convenient to her. It is further brought to my notice that the applicant has already resumed at the post where she has been transferred by the impugned order. Thereafter, the applicant has raised her grievance before the departmental authority and after failing in getting redressed her grievance there, she has approached this Tribunal by filing the present O.A.
- 3. During the course of arguments, it has been brought to my notice that choices for posts which were given by the applicant at the time of annual general transfers, some of the said posts are still vacant. It is, therefore, the request of the applicant that her case can be reconsidered by the

respondents. The fact that some such posts are still vacant, is not disputed by the respondents.

- 4. In the circumstances, I deem it appropriate to dispose of the present O.A. by directing the authorities concerned to reconsider the request of the present applicant in view of the vacancies available at the relevant place. It is clarified that, I have not gone into the merits of the contentions raised in the O.A. The authorities may independently reconsider the request of the applicant on its own merit in accordance with the relevant provisions in the concerned rules and shall pass a reasoned order. The order be communicated to the applicant.
- 5. O.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1105/2019 (Shrikant Mitkari Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Heard Shri J.M.Murkute, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities.

- 2. After having understood the facts in the present matter, it does not appear to me that any more discussion is required for dismissing the O.A. except noting down the fact that the deceased Government servant in whose place compassionate appointment is sought, has died in 1978 and compassionate appointment is sought for his grandson after about 40 years.
- 3. Very purpose of the scheme of compassionate appointment is to provide immediate solace to the family of the Government employee dying in harness. In the present case, the said object has lost its significance. I, therefore see no reason for considering the request. Hence, the following order:

ORDER

O.A. is dismissed without any order as to costs.

ORIGINAL APPLICATION NO.720/2021 (Ramchandra Sawant Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

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

2. Arguments are heard for some time. It appears that the out of the Circulars which are referred to in the matter, only one has been filed on record and other Circulars are also required to be looked into. Either learned Counsel for the applicant or the learned P.O. shall file such Circulars on record to facilitate early and effective decision in the matter.

3. On request of both sides, S.O. to 30-11-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.105/2022 (Amar Raut Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri Swaraj Tandale, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12-12-2022 for filing rejoinder.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.449/2022 (Sachin Gupta Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Ku. Anagha Pandit, learned Counsel holding for Shri S.B.Talekar, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 08-12-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.604/2022 (Rahul Talke Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri S.S.Tandale, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12-12-2022.

VICE CHAIRMAN

M.A.NO.403/2021 IN O.A.ST.NO.539/2021 (Uttamrao S. Joshi Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri R.A.Joshi, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25-11-2022.

VICE CHAIRMAN

M.A.NO.67/2022 IN O.A.ST.NO.196/2022 (Aasara Jadhav Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri Anand S. Deshpande, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25-11-2022.

VICE CHAIRMAN

M.A.NO.467/2022 IN M.A.NO.518/2019 IN O.A.NO.976/2022 (Shripad Marakwar Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri Sunil Nimbalkar, learned Counsel holding for Shri Amol S. Gandhi, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.89/2018 (Sayeda Khalida Md. Naeem Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri A.S.Deshmukh, learned Counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri S.R.Pande, learned Counsel for respondent no.3, are present.

2. S.O. to 12-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.23/2021 (Nagnath Telgane Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 04-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.116/2017 (Dr. Dhanraj Kendre Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri Anup Mane, learned Counsel holding for Shri Vijay V. Deshmukh, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 05-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.139/2017 (Shaikh Liyakat Dildar Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri V.P.Golewar, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.49/2018 (Ravindra Sapkale Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri Anup Mane, learned Counsel holding for Shri Harshal P. Randhir, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.599/2018, 600/2018, 601/2018, 602/2018, 603/2018, 604/2018, 605/2018, 606/2018, 738/2018, 915/2018 & 116/2018 (Vilas Mahajan & Ors. Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri Anup Mane, learned Counsel holding for Shri Amol S. Sawant, learned Counsel for the applicants and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08-12-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.489/2019 (Vinod Kendre Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri J.M.Murkute, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10-01-2023.

VICE CHAIRMAN

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

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Smt. Asha N. Gore, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.288/2021 (Shubham Shreebhate Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri P.V.Suryawanshi, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16-12-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.317/2021 (Vishwambhar Tidke Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

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

2. S.O. to 24-11-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.753/2021 (Shankar Dhupe & Ors. Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri P.V.Suryawanshi, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19-12-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.757/2021 (Jayashri Bhokre & Ors. Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri P.V.Suryawanshi, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19-12-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.18/2022 (Ashok Nikam Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri V.G.Pingle, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15-12-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.20/2022 (Dnyaneshwar Sanap Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Smt. Suchita Dhongde, learned Counsel holding for Shri S.D.Dhongde, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 09-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.358/2022 (Kiran Jagdale Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23-11-2022

ORAL ORDER:

Shri Amol N. Kakade, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24-11-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 506/2022 (Smt. Mangala Vilas Donde & Ors. Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Amit S. Salve, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities.

- 2. Aggrieved by the inaction on part of respondents in providing the compassionate appointment to applicant no. 1 before she attains the age of 45 and rejecting the request made by the applicant no. 1 in the meanwhile period for substituting the name of his son in her place and to consider him for compassionate appointment is challenged in the present Original Application.
- 3. Few facts which are relevant for deciding the present OA in brief are thus:

Husband of applicant no. 1 and father of applicant no. 2 namely Vilas Donde who was in Government employment and was serving as Jr. Clerk, died on 22.4.2008 while in service. After his death the applicant no. 1 made an application seeking appointment on compassionate ground. The request so made was

initially processed and the proposal in that regard was also forwarded by respondent no. 4 to respondent no. 5. Respondent no. 4 was thereafter given authority to take decision in respect of making such compassionate appointments at his level. Accordingly name of applicant no. 1 was included in the waiting list maintained of the candidates seeking compassionate appointment for the post falling in Class-D. applicant no. 1's name was at sr. no. 268 in the said waiting list. In the year 2012 the applicant no. 1 submitted an application with respondent no. 4 requesting for substituting the name of her son i.e. 2 in her place and applicant no. prayed compassionate appointment for him. On 7.1.2014 the request so made was reiterated by the applicants by presenting one more application in that regard to the respondents. On 13.5.2015 after having considered that no decision is being taken on the request made for substitution, the applicant no. 1 showed her willingness in writing to accept the compassionate appointment for herself. However, till the year 2020 no appointment came to be issued in her favour. In the year 2020 the applicant no. 1 became age barred and ultimately did not get appointment and request made by her for substitution of name of her son i.e. applicant no. 2 in her place also came to be rejected on the ground that

there is no such provision in the concerned GR for substitution of name of one legal heir in the waiting list with another legal heir. The aforesaid orders are challenged by the applicants in the present OA.

4. The learned counsel for the applicants submitted that though the applicant no. 1 has communicated her willingness for her appointment on compassionate ground on 13.5.2015 she did never receive any communication from the respondents offering her the compassionate appointment till she attained the age of 45 in the year 2020. The learned counsel further submitted that along with application of applicant no. 1, the application of applicant no. 2 with consent of applicant no. 1 seeking compassionate appointment was also on record. The learned counsel submitted that the said application was preferred first time in the year 2012 and the said request was reiterated in the year 2014. The learned counsel submitted that since the request made for giving appointment to applicant no. 2 instead of applicant no. 1, remained undecided, the applicant no. 1 was constrained to file an application on 13.5.2015 with the District Social Officer, Ahmednagar for considering her name for compassionate appointment. The learned counsel submitted that till year 2020 there was no action on the part of the respondents and the

applicant no. 1 was never communicated that after attaining the age of 45 years her name has been deleted from the waiting list.

- 5. The learned counsel further pointed out that if further correspondence, which the applicant has brought on record, is perused and my attention was particularly invited to letters dated 18.2.2022, it reveals that even after name of applicant no. 1 was deleted from the waiting list, the proposal for substituting the name of applicant no. 2 was not rejected by the respondents and was under consideration. Undisputedly, aforesaid request was rejected on the ground that there was no provision of substituting name of one legal heir by another legal heir of the deceased.
- 6. The rejection of the request for substituting the name of applicant no. 2, as well as, inaction on part of the respondents in providing compassionate appointment to applicant no. 1 whether can be sustained is the issue to be addressed in the present OA.
- 7. The learned counsel for the applicants has placed reliance on the order passed by the Division Bench of Hon'ble Bombay High Court in the case of **The District Collector**, **Nashik & Anr. Vs. Shekhar Bajirao Patil**, **W.P. No. 5936/2021** on 5.9.2022. The learned counsel

taking me through observations made by Hon'ble Bombay High Court in the said judgment submitted that, the facts involved in the present matter are identical with the facts involved in the said case. The learned counsel read out para 2 of the said judgment and submitted that in view of the observations made and findings recorded by the Division Bench of Hon'ble Bombay High Court, the present OA deserves to be allowed by setting aside the impugned orders.

- 8. The learned counsel for the applicants has also placed reliance on the following judgments delivered by the principal bench of this Tribunal at Mumbai and this Bench of the Tribunal
 - (1) order passed by this Bench of the Tribunal in the case of Smt. Sangita sd/o Masaji Kalbande & Anrs. Vs. the state of Maharashtra & Ors, O.A. No. 351/2019 on 3.2.2022.
 - (2) order passed by principal seat of this Tribunal at Mumbai in the case of **Shri Vaibhav** Namdev Ghatge Vs. the state of Maharashtra & Ors, O.A. No. 795/2018 on 22.9.2022.
 - (3) order passed by principal seat of this Tribunal at Mumbai in the case of **Megha Sunil**

Wagh & Ors. Vs. the state of Maharashtra & Ors, O.A. Nos. 249/2021 & Anr. on 6.10.2022.

- 9. The request so made is opposed by the respondents. In the affidavit in reply filed on behalf of respondents it has been explained that since the appointment offered by the respondents to applicant no. 1 was not accepted by her, her name was rightly deleted from the waiting list after applicant no. 1 completed 45 years of her age. It is further contended that since there was no provision in the GR dated 20.5.2015 and also in the previous GRs, allowing substitution of one legal heir with other, the request for substituting the name of applicant no. 2 was also rightly rejected. According to respondents, no error, therefore, can be found in the impugned orders. The respondents have therefore prayed for dismissal of OA. The learned PO in his argument reiterated the contentions raised in the affidavit in reply filed on behalf of the respondents and also invited my attention to the documents placed on record by the respondents.
- 10. I have duly considered the submissions advanced on behalf of the applicant, as well as, on behalf of the respondents. I have also perused the documents filed on record. The following facts are not in dispute:-

- (a) that the Government servant died on 22.4.2008 while in service.
- (b) that the applicant no. 1 is wife of the deceased, whereas applicant no. 2 is elder son of the deceased.
- (c) that the applicant no. 1 filed an application seeking appointment on compassionate ground on 30.1.2009 i.e. within the stipulated period of one year.
- (d) that respondent no. 4 forwarded the proposal to respondent no. 5 for appointment of applicant no. 1 on compassionate ground.
- (e) that respondent no. 4 was authorized to issue such appointment at his level.
- (f) that accordingly name of applicant no. 1 was included in the waiting list of the candidates to be appointed on compassionate grounds at Sr. No. 268.
- (g) that in year 2012 applicant no. 1 filed an application seeking substitution of name of applicant no. 2 in her place.

(h) that on 13.2.2013 respondent no. 4 rejected the said request.

::-8-::

- (i) that on 7.1.2014 same request was made by applicant no. 1 to respondent no. 1.
- (j) that on 13.5.2015 applicant no. 1 communicated to respondent no. 4 that since the request for substitution of name of applicant no. 2 in her place has been rejected, she shall be considered for giving such appointment and that she is ready and willing to join the services.
- (j) that on 11.2.2022 the request for appointment on compassionate ground came to be rejected by respondent no. 3.
- 11. The request of the applicants has been rejected on 2 grounds; first that after attaining the age of 45 years name of applicant no. 1 has been removed from the waiting list and she herself is responsible for it and other that there is no provision in the Government Resolution dated 20.5.2015 for substitution of the name of existing legal heir in the waiting list with another legal heir of the deceased.

- After having gone through the documents on 12. record, both the aforesaid grounds appear unsustainable. The applicant no. 1 completed 45 years of her age in the year 2020. She had filed an application seeking appointment on compassionate ground on 30.1.2009. It is true that subsequently in the year 2012 she filed an application praying for compassionate appointment to her son i.e. applicant no. 2 stating that she was not physically well at the relevant time. It is also true that in the year 2014 i.e. on 7.1.2014 she reiterated her request for substitution of name of applicant no. 2 in her place. However, it is significant to note that after becoming aware of the fact that according to GR dated 20.8.2005 it may not be possible to get substituted name of applicant no. 2 in her place, on 13.5.2015 applicant no.1 again wrote a letter to respondent no. 4 and communicated to him that she is willing to accept the compassionate appointment and as such, she may be considered for such appointment. The copy of the said letter is filed on record. It bares the due acknowledgement from the office of respondent no. 4. Moreover, the respondents have also not denied the said fact in their affidavit in reply.
- 13. The respondents have not explained as to why applicant no. 1's name was not considered in view of the

aforesaid letter written by her to respondent no. 4, when her name was existing in the waiting list of the candidates to be offered appointment on compassionate ground. There is further no information from the respondents as to whether applicant no. 1 was communicated the fact that her name in the waiting list has been removed on attaining the age of 45 years by her. It has also not been provided by the respondents as to on which date name of applicant no. 1 was removed from the waiting list and under whose orders the name was so removed or deleted.

14. In the communication dated 11.2.2022 the applicant no. 1 has been blamed stating that though she was likely to get the compassionate appointment at the earliest, she did not get it because of her own default and she is responsible for that. The averments in the aforesaid letter leads to an inference that applicant no. 1 was offered compassionate appointment at early point of time, but she refused to accept it. However, nothing has been produced on record by respondents as to show when such appointment was offered to applicant no. 1, and when she refused to accept the same. As against it, it has been firmly contended on behalf of the applicants that no appointment was ever offered by respondents to applicant no. 1. The respondents have thus failed in

substantiating the allegations made against the applicant in the communication dated 11.2.2022.

15. The question arises if according to respondents the appointment was refused by applicant no. 1, why her name was not removed from the waiting list at the relevant time on the said ground. Admittedly name of applicant no. 1 has not been removed from the waiting list at the relevant time on the said ground. Admittedly name of applicant no. 1 has not been removed from the waiting list for the said reason. It has been removed as per the contentions raised in the affidavit in reply filed on behalf of the respondents for the reason that applicant no. 1 completed the age of 45 years, which is outer limit for appointment of any candidate on compassionate ground. The documents on record reveal that the applicant no. 1 attained the age of 45 years on 2.6.2020. Till the said date even according to the contention of the respondents name of applicant no. 1 was existing in the waiting list. The documents on record show that the application of applicant no. 2 seeking appointment on compassionate ground and also the application preferred by applicant no. 1 seeking substitution of the name of applicant no. 2 in her place, were pending for consideration before the respondents.

- 16. Restriction imposed vide GR dated 20.5.2015 for substitution of one legal heir, whose name is included in the waiting list of candidates eligible for getting compassionate appointment, with the other legal heir of the deceased, was held by the Hon'ble High Court to be unjust and irrational and was directed to be deleted in the matter of **Dnyaneshwar Ramkishan Musane Vs. State of Maharashtra and others, WP No.** 6267/2018 decided on 11.3.2020. It is thus evident that before applicant no. 1 attained the age of 45 years the aforesaid restriction imposed by GR dated 20.5.2015 was directed to be deleted, meaning thereby that it was not in existence at the relevant time.
- 17. In the circumstances, there was no reason for the respondents to reject the request made by applicant no. 1 to substitute name of applicant no. 2 in her place as legal heir of the deceased. Rejection of such request by the respondents is thus based on the non-existent restriction and is thus arbitrary exercise of power. The impugned orders, therefore, deserve to be set aside and are accordingly set aside. The respondents are directed to substitute the name of applicant no. 2 in place of applicant no. 1 for appointment on compassionate ground and to take further steps for issuance of

::-13-:: **O.A. NO. 506/2022**

appointment order, subject to fulfillment of eligibility criteria, on suitable post in accordance with the rules, within 3 months from the date of this order.

18. The Original Application thus stands allowed in the aforesaid terms without any order as to costs.

VICE CHAIRMAN

ARJ O.A. NO. 506 OF 2022

ORIGINAL APPLICATION NO. 715/2022 (Shri Navnath Ashok Patwadkar Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri Mohit Deshmukh, learned counsel has filed on record his VP for the applicant by taking NOC from earlier Counsel Shri SB Bhosale. It is taken on record. Shri MP Gude, learned Presenting Officer for the respondents.

2. The order dated 15.7.2022 passed by respondent No. 2, whereby he has transferred the applicant from Chikalthana Police Station, Aurangabad to Control Room, Aurangabad (Rural), has been challenged by the applicant in the present O.A. The applicant entered into the Police Services in the year 2015 as a direct recruit on the post of PSI. During the period between 2016 and 2021 he worked in Nagpur region and on 2.1.2022 was transferred from Nagpur to Aurangabad region. Accordingly, he reported to the Police Control Room and thereafter was given posting on 6.1.2022 at Chikalthana Police Station, Aurangabad. While he was discharging his duties at the said Police Station vide impugned order he has been brought back to Police

Control Room, Aurangabad (Rural). The aforesaid order has been challenged by the applicant in the present O.A.

- 3. The impugned order has been challenged on the ground that it is in utter violation of the provisions laid down under Section 22N of the Maharashtra Police Act, 1951, as well as, circular issued by the Police Department on 7.10.2016. The applicant has alleged the impugned order to have been issued because of the pressure allegedly brought by some political persons aggrieved by the actions taken by the applicant while discharging his duties at Police Station, Chikalthana in protection of cattle. It is contended that consecutive 3 such crimes were registered by the applicant where-after he has been shifted from the said Police Station. The applicant has placed on record copies of 3 such FIRs.
- 4. The learned counsel for the applicant submitted that the respondents do possess the right to effect midterm transfer of the officers working under them, but for effecting such transfers, when certain provisions are made and certain guidelines are issued no one can in violation of the said provisions or said guidelines effect such transfer as has been done in the present matter. The learned counsel read out the provisions under Section 22N of the Police Act, as well as, circular dated

7.10.2016. I deem it appropriate to reproduce herein below the entire said Section 22N, which reads thus:-

"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;
 - (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:Police Personnel Competent Authority

- (a) Officers of the Indian... Chief Minister Police Service
- (b) Maharashtra Police Home Minister;Service Officers of andAbove the rank of DeputySuperintendent of Police
- (c) Officers up to Police.. (a) Police Establishment Inspector Board No. 2
 - (b) Police Establishment Board at Commissionerate 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]

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."
- 5. Learned counsel submitted that in their affidavit in reply, though it appears to be the contention of the respondents that the impugned order has been passed under Sub-section 2 of Section 22N of the Maharashtra Police Act, none of the circumstances as are enumerated under proviso to Section 22N could have been pressed into service in the present matter. The learned counsel submitted that the impugned order does not reflect existence of any such exceptional circumstance so as to transfer the applicant from Police Station, Chikalthana within 6 months from the date of his posting. It is further contended that the impugned order does not whisper any public interest behind issuance of such

order. Learned counsel submitted that as stated in the impugned order applicant has been transferred on administrative grounds. Learned counsel further submitted that even for passing such order the authority passing such order is under an obligation to see that preliminary enquiry is conducted in respect of the allegations, if any, against the officer concerned and only after receipt of the said report the action is taken. The learned counsel further submitted that recording of statements of the officer in connection with the allegations made against him is another obligation cast on the disciplinary authority. The learned counsel pointed out that in the affidavit in reply filed on behalf of the respondents nothing has been brought on record showing that compliance as was required under Section 22N and the Government circular dated 7.10.2016, has been made.

6. The learned counsel further submitted that the only reason which has been stated in the affidavit in reply is that in one matter the applicant did not file the charge-sheet within the period of 90 days because of which the accused in the said matter got the default bail. The learned counsel submitted that had the statement of applicant been recorded before passing of the impugned order the applicant would have definitely disclosed the

reasons and facts involved in the said matter. The learned counsel argued that any transfer in violation of the rules and/or guidelines laid down in that behalf has to be held illegal and hence unsustainable.

- 7. The learned counsel submitted that though it may appear that when the transfer has been effected from Chikalthana Police Station, Aurangabad to Control Room, Aurangabad (Rural), it may not cause any prejudice to the applicant, the Police officer who is subjected to such midterm transfer without any fault on his part feels humiliated and gets demoralized. The learned counsel, therefore, prayed for setting aside the impugned order and direction to reinstate him on the post from which he has been transferred.
- 8. The learned counsel in support of his argument relied upon following judgments rendered by this Tribunal in some earlier matters:-
 - (1) Order passed by principal seat of the Tribunal at Mumbai in the case of **Shri Amol V. Bhise Vs. the State of Maharashtra & Ors., O.A. No. 518/2020** on 25.8.2021.
 - (2) Order passed by principal seat of the Tribunal at Mumbai in the case of **Shri Rajendra V. Manvar Vs. the State of Maharashtra & Ors., O.A. No. 551/2018** on 21.12.2018

- (3) Order passed by this Bench of the Tribunal in the case of Shankar s/o Yashvant Gaidhar & Another Vs. the State of Maharashtra & Ors., O.A. Nos. 471/2021 with O.A. No. 523/2021 on 21.7.2022.
- (4) Order passed by this Bench of the Tribunal in the case of **Kiran s/o Baban Kolpe Vs. the State of Maharashtra & Ors., O.A. No. 356/2020** on 4.2.2022.
- 9. The learned counsel taking me through the facts involved in cited judgments submitted that this Tribunal in identical facts and circumstances has held the transfers illegal and unsustainable and has quashed and set aside the said orders.
- 10. The learned PO in his arguments reiterated the contentions raised in the affidavit in reply filed on behalf of the respondents. The entire emphasis of the learned PO was on the fact that the applicant did not care to file the charge sheet in one crime for the offences punishable u/s 307, 323, 504 and 506 of IPC within stipulated period as a result of which accused therein got bail. The learned PO brought to my notice that the learned Magistrate has issued show cause notice to the applicant requiring him to show cause as to why action shall not be taken against him for not filing the charge-sheet within stipulated period. In the affidavit in reply the

respondents have denied the allegation of political pressure in causing the transfer of the applicant. Reference has also been given of the instances of dereliction in duty while the applicant was working in Nagpur region and initiation of DE against the applicant in that regard. The charge-sheet in the said matter has been placed on record to canvass that in the said matter also similar allegations were there against the applicant about his inefficient working and defaults in carrying out investigation in time and filing charge-sheet within time. The learned PO submitted that according to the respondents to keep the applicant at Chikalthana Police Station, Aurangabad was against the interest of the public and as such he has been brought at the Control Room, Aurangabad (Rural). The learned PO further submitted that the order passed by respondent no. 2 is within his power and authority and has been passed in interest of the public and having regard to the administrative exigency and as such no error can be found in the impugned order. The learned PO therefore prayed for dismissal of the OA.

11. I have considered the submissions advanced by the learned counsel appearing for the applicant and the learned PO appearing for the respondents. I have also gone through the pleadings of the parties, as well as,

documents filed on record. It is necessary first to see the reason as has been assigned in the order of transfer, which is impugned in the present OA. I found it necessary to reproduce the said order as it is in vernacular, which reads thus:-

"आदेश

श्री. नवनाथ अशोक पाटवदकर, पोलीस उपनिरीक्षक नेमणुक पोलीस ठाणे चिकलठाणा, औरंगाबाद ग्रामीण यांना प्रशासकीय कारणास्तव नियंत्रण कक्ष औरंगाबाद ग्रामीण येथे तैनात करण्यात येत आहे. त्यांनी तात्काळ नियंत्रण कक्ष, औरंगाबाद ग्रामीण येथे हजर होतून हजर झाल्याबाबतचा नियंत्रण कक्ष अधिकारी, नियंत्रण कक्ष औरंगाबाद ग्रामीण यांनी अनुपालन अहवाल सादर करावा.

अ.क्.	पोलीस उपनिरीक्षकांचे नांव	कोठुन	कोठे
09.	श्री. नवनाथ अशोक पाटवदकर	पेालीस ठाणे चिकलठाणा	नियंत्रण कक्ष औरंगाबाद ग्रामीण

वरील नमुद पोलीस उपनिरीक्षक यांना संबंधीत ठाणे अधिकारी यांनी तात्काळ कार्यमुक्त करण्यात यावे व संबंधीत अधिकारी यांनी वेळीच नियंत्रण कक्ष औरंगाबाद ग्रामीण येथे हजर होवून अनूपालन अहवाल सादर करावा.

> सिह/-(मनीष कलवानिया) पोलीस अधीक्षक औरंगाबाद ग्रामीण"

12. Reading of the aforesaid order makes it clear that only ground mentioned in the said order is that the transfer is made on administrative grounds. The order of transfer may not contain all details in the said order and the officer concerned is not supposed to disclose the said administrative reasons or grounds in the order itself, but when the issue comes regarding validity of

such order the authorities concerned cannot escape from the liability to disclose necessary details which necessitated the transfer.

13. As provided under sub-section 1(c) of section 22-N, for Police Officers of the rank of Police Sub Inspector a normal tenure shall be of 2 years at Police Station or Branch, 4 years in a District and 8 years in a Range. For the Local Crime Branch in a District and Crime Branch Special Branch in a Commissionerate a normal tenure is prescribed of 3 years. Insofar as the applicant is concerned, as per the aforesaid provision once he was posted at Police Station Chikalthana, Aurangabad in normal course he must have been continued there for the period of 2 years. It is not in dispute that the applicant was posted at Police Station Chikalthana, Aurangabad on 6.1.2022. He has been transferred from the said Police Station vide the impugned order dated 15.7.2022 i.e. within the period of about 6 months. Proviso to section 22-N(1) provides that the State Government may transfer any Police personnel prior to his completion of normal tenure in the circumstances provided there-under. In the instant matter the applicant has not been transferred on any of those grounds. It is contended in the affidavit in reply filed on behalf of respondents that the applicant has been

transferred by respondent no. 2 as per provisions under section 22-N(2). As provided in section 22-N(2) in addition to the grounds mentioned in sub-section (1) the competent authority can make midterm transfer of any of the Police personnel of the Police fource in (i) exceptional case, (ii) in public interest and (iii) on account of administrative exigencies.

14. From the contents of the impugned order it is evident that the midterm transfer of the applicant has been made on account of administrative exigencies. In the affidavit in reply filed on behalf of the respondents it has been reiterated that the applicant has been transferred for administrative reasons. The explanation provided below section 22-N(2) prescribes the competent authorities for the purposes of the said sub-section. As provided therein the Police Establishment Board at District level is the competent authority for midterm transfer of the Police personnel up to the rank of Police Inspector for transfer within the District. In the instant matter it is specific contention of the applicant that the aforesaid provision has not been followed while transferring him from Police Station Chikalthana, Aurangabad to Police Control Room (Rural) Aurangabad. In the affidavit in reply nothing has been stated about the objection so raised. It has also not

been explained as to why the District Police Establishment Board was not consulted with.

15. The learned counsel for the applicant has also referred to the Circular dated 10.7.2016. I deem it appropriate to reproduce below the said Circular, which reads thus:-

"परिपत्रक

विषय :- पोलीस अधिका-यांची मुदतपूर्व बदली करण्याबाबतची मार्गदर्शक सुचना.

सर्व पोलीस घटक प्रमुखांना सुचित करण्यात येते की,पोलीस आस्थापना मंडळ कं. २ कडे मुदतपुर्व बदलीचे प्रस्ताव पाठवितांना खालील बार्बीचे पालन करावे

- 9. ज्या पोलीस अधिका-यांची बदलीकरावयाची आहे, त्यांच्या कसुरीबाबत, गैरकत्याबाबत अथवा बेजबाबदार वर्तणूकीबाबत, वरिष्ठ अधिका-यांकडुन प्राथमीक चौकशी करून घ्यावी. सदरील चौकशी संप्ति स्वरूपाची अवावी. त्या चौकशीमध्ये कसुरदार अधिका-यांचा जबाब नोंदविणे अत्यंत आवश्यक आहे. (नैसर्गिक न्यायदानाच्या तत्वानुसार त्यांना योग्य ती संधी देणे आवश्यक असल्याने)
- २. चौकशीच्या निष्कर्षामध्ये कसुरदार अधिका-याचा दोष सकृतदर्शनी सिध्द होणे आवश्यक आहे. निर्विवादरपणे सिध्द होत नसल्यास, तशी संशयास्पद वर्तणूक वाटते काय? ते स्पष्टपणे नमुद असणे आवश्यक आहे.
- ३. चौकशी निष्कर्षामध्ये अधिका-यांची त्या पदावर / जिल्हयात / परिक्षेत्रात / आयुक्तालयात कार्यरत राहिल्यास प्रशासकीय गैरसोय कशी होणार आहे, नागरिकांना त्रास होणार आहे इ. स्पष्टपणे नमुद करण्यात यावे.
- ४. कसुरदार अधिका-यांना त्यांचे कर्तव्य बजाविण्यात मागील १ ते २ वर्षात दिलेले मेमो, गुन्हया संदर्भात घेतलेले चेक्स, मागविण्यात आलेले खुलासे / स्पष्टीकरण, स्टेशन डायरी नोंद, अचानक भेटीची टिप्पणीमधील प्रतिकूल शेरे इ. जमा करून ते एकत्रितपणे कसुरी अहवालाबाबत पाठविणे आवश्यक राहील.

कसुरदार अधिका-याविरुध्द जनतेकडून / लोकप्रतिनिधीकडून प्राप्त झालेली तकार व त्या अनुषंगाने चौकशी करून त्याचा समावेश कसुरी अहवालात असावा.

- ५. ज्या अधिका-यांची वर्तणूक योग्य वाटत नाही. त्यांना वेळोवेळी मेमो देउन त्यांची एकत्रितरित्या साठवणूक करून भविष्यातील त्यांच्या विरुध्द चौकशीनुसार त्याचा वापर करावा. कसुरदार अधिका-याचे गोपनीय अभिलेखावर प्रतिकूल शेरे असतील, तर त्याबाबतचा उल्लेख करावा. मुदतपूर्व बदली करतांना "जनिहतार्थ" व प्रशासकीय सोयीचे म्हण्जे "In public interest and for administration exigency" या बार्बीचा विचार करण्यात येतो. म्हणून कसुरदार अधिका-यांना जिल्ह्यात / आयुक्तालयात त्या पदावर कार्यरत वेवणे जनिहतार्थ कसे योग्य नाही, हे स्पष्टपणे कसुरी अहवालात नमुद असणे आवश्यक आहे. त्याशिवाय कसुरी अहवाल सादर करू नये. कसुरदार अधिकारी त्यांच्या बदलीनंतर मा. महाराष्ट्र प्रशासकीय न्यायाधिकरणासमक्ष दावा दाखल करू शकतो. म्हणून त्यांची पुर्वतयारी म्हणून परिपूर्ण कसुरी सिध्द करून मगच तशी बदली करणे उचित होईल.
- ०६. वरील सर्व बार्बीची तंतोतंत पुर्तता करून त्याप्रमाणे अहवाल या कार्यालयास पाठविणे आवश्यक आहे."
- 16. The aforesaid Circular lays down the guidelines in respect of the midterm transfers of the Police Officers. The applicant has alleged that while transferring him vide impugned order none of the guidelines laid down in the aforesaid Circular have been followed. From the contents of the affidavit in reply filed on behalf of the respondents also it is evident that the said guidelines have not been followed by the respondents while issuing the impugned order. The only reason which has been stated in the affidavit in reply of the respondents is that while working at Police Station at Chikalthana the applicant failed to file charge-sheet in Crime No. 77/2022 for the offences punishable u/s 307, 323, 504

and 506 of IPC within the stipulated period of 90 days without any reason because of which the accused in the said crime got released on default bail. As contended in the affidavit in reply for invoking provision u/s 22-N(2) the aforesaid inaction/omission on part of the applicant is the sole basis.

17. During course of the argument the learned PO referred to the allegations of dereliction in duty against the applicant while working at Police Station, Kalmana, The documents in that regard also are Nagpur City. placed on record by the respondents. According to me, the documents so produced are not relevant insofar as the dispute involved in the present matter is concerned. The question involved in the present matter is whether while passing the impugned order the respondent No. 2 followed or complied with the relevant provisions under the Maharashtra Police Act and the guidelines issued in No doubt, a Police Personnel can be that regard. transferred before completing his normal tenure by the competent authority on the grounds mentioned in Subsection 1 of Section 22N, as well as, under Section 22N (2). In the present matter respondent No. 2 has invoked the provisions under Section 22N(2). As contended, the applicant has been transferred for administrative

reasons. However, mere mentioning that the applicant has been transferred on administrative grounds is not enough. If there are genuine administrative exigencies, they need to be specified, if not in the order of transfer, at least on the noting file of the competent authority to convince the Tribunal as to what administrative exigency prompted to make a transfer against the basic norms.

18. In the present matter an attempt has been made to justify the impugned order stating that the applicant failed in filing the charge-sheet in one matter within stipulated period because of which the accused therein got the default bail. It is difficult to accept that the aforesaid sole instance of dereliction in duty can be a base for transferring the applicant before completion of his normal tenure at Chikhalthana Police Station. The applicant in his rejoinder filed to the affidavit in reply filed by respondent Nos. 1 to 3 has made a statement on oath that the charge-sheet in the Crime No. 77/2022 was submitted to the Sub-Divisional Police Office, Aurangabad (Rural) for sanction and to forward it to Court for further action in time. The applicant has further contended that he did not receive any show cause notice as mentioned in the letter dated 15.7.2022 filed by the respondents along with their affidavit in reply (Page-52 of the paper book). During the course of

arguments the learned P.O. has not even touched to the said aspect. In the guidelines dated 7.10.2016, it is specifically prescribed that if any Police Officer is to be midterm transferred on account of any misconduct or dereliction in duty, a preliminary enquiry must be conducted. In the same clause it is provided that in such preliminary enquiry the statement of the delinquent officer shall be mandatorily recorded.

19. In the present matter though it is sought to be contended by the learned Presenting Officer that the preliminary enquiry was conducted by the Sub-Divisional Police Officer, it is not clarified why the statement of the applicant was not recorded in the said Moreover, in the affidavit in reply filed on behalf of respondents it is nowhere averred that any such preliminary enquiry was conducted. It is further significant to note that respondent No. 2 before a month of passing the impugned order had appreciated the work of the applicant in detecting 4 accused in C.R. No. 177/2022 for the offences under Section 302 r/w 122B) of IPC within 24 hours of its registration. Off course on such one instance overall performance of the Police Officer cannot be assessed. Similarly, assuming that one default was committed by the applicant that cannot be a ground for transferring him invoking the ground of administrative reasons. It does not appear to be a

genuine administrative exigency. It has to be stated that to ensure that midterm transfers of the Police Officers are not actuated with malice or extraneous consideration that 7.10.2016 guidelines are issued. Any transfer made in disregard to the provisions under the Maharashtra Police Act or in violation of the guidelines in the said circular has to be held as arbitrary exercise of power by the officer concerned. Judicial review of the order of transfer is permissible when order is made on irrelevant consideration. The courts/ tribunals are competent to ascertain whether the order of transfer passed is bonafide or a measure of punishment.

20. Ostensibly it may appear that why the applicant shall make a grievance when he has been transferred in the same town from one Police Station to the Control Room of the said town and what prejudice can be said to have caused to him. However, as has been rightly argued by the learned counsel, to suffer a midterm transfer for un-genuine reasons and no fault on his part itself causes great prejudice to the concerned Police Officer even if he might have been transferred to neighboring Police Station. There is substance in the submission so made by the applicant. Because of such midterm transfer the concerned Police Officer certainly gets demoralized and feels victimized.

21. Respondents have failed in substantiating the stand taken by them that the applicant has been transferred on administrative ground. Respondents have also failed in establishing that before ordering the transfer of the applicant the provisions under Section 22N(2) were complied with and the guidelines dated 7.10.2016 were followed. In the aforesaid circumstances, the impugned order cannot be sustained and deserves to be set aside. Neither in the affidavit in reply nor during the course of arguments any such information is given by the respondents that at the place of applicant any other Police Officer has been appointed. In the result the following order is passed: -

ORDER

- (i) The impugned order dated 15.7.2022 is quashed and set aside.
- (ii) Respondent No. 2 shall forthwith repost the applicant at Police Station Chikhalthana.
- (iii) The Original Application stands allowed in the aforesaid terms. No order as to costs.

M.A.NO.489/2022 IN M.A.NO.490/2022 IN O.A.NO.951/2022 (Chetan A Gangane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

- 2. By this application the applicant is seeking amendment in the Original Application.
- 3. The Original Application is filed challenging the order dated 29.09.2022 issued by the Director, Health Services, Maharashtra State, Mumbai thereby declaring the applicant non-eligible for admission to NEET PG- 2022 for P.G. Course and other reliefs.
- 4. Learned Advocate for the applicant on instructions from the applicant who is present before this Tribunal seeks permission to withdraw the Original Application. When the permission to withdraw the Original Application is sought unconditionally, we have no reason to refuse the permission to withdraw the Original Application.

//2/ M.A.489/2022 In M.A.490/2022 In O.A.951/2022

5. Hence, the Original Application stands disposed of as withdrawn. Accordingly, the Misc. Applications also stand disposed of. No order as to costs.

MEMBER (A)

MEMBER (J)

C.P.NO.36 OF 2018 IN O.A.NO.846 OF 2011 (Vilas S. Patil Vs. State of Maharashtra & Ors.)
With

C.P.NO.37 OF 2018 IN O.A.NO.843 OF 2011 (Ganesh G. Patil Vs. State of Maharashtra & Ors.)

With

C.P.NO.38 OF 2018 IN O.A.NO.842 OF 2011 (Uttam K. Patil Vs. State of Maharashtra & Ors.)
With

C.P.NO.39 OF 2018 IN O.A.NO.278 OF 2012 (Prakash D. Bhadane Vs. State of Maharashtra & Ors.)
With

C.P.NO.40 OF 2018 IN O.A.NO.634 OF 2011 (Prakash D. Bharambe Vs. State of Maharashtra & Ors.)
With

C.P.NO.41 OF 2018 IN O.A.NO.77 OF 2012 (Sanjeev R. Kadam Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri Jayant B. Choudhary, learned Advocate for the applicants in all these matters has filed a **leave note**. Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these matters.

2. In view of leave note of learned Advocate for the applicants, S.O. to 05.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

C.P.NO.01/2022 WITH M.A.NO.337/2021 IN T.A.NO.02/2021 (W.P.NO.2612/2021) (Samiksha Chandrakar & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant in Contempt Petition, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Sri U.S. Patil, learned Advocate for the applicant in M.A.No.337/2021.

2. By consent of all the parties, S.O. to 07.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.517 OF 2019 (Rajendra P. Kamble & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri P.P. Dawalkar, learned Advocate holding for Shri Swapnil A. Deshmukh, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 03.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.1013 OF 2019 (Sandeep J. More & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 21.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.521 OF 2020 (Laxman B. Jadhav Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.523 OF 2020 (Rajkumar G. Sonawane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. S.O. to 04.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.04 OF 2021 (Kiran S. Pawar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. S.O. to 04.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.29 OF 2021 (Vijay N. Khawane Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

2. S.O. to 05.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.101 OF 2021 (Dhansing B. Chavan Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. Suchita Dhongde, learned Advocate holding for Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 11.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.185 OF 2021 (Subhash J. Khote Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

2. S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.635 OF 2021 (Badrinath B. Nimbalkar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri A.B. Rajkar, learned Advocate for the applicant has filed a **leave note**. Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. In view of leave note of learned Advocate for the applicant, S.O. to 03.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.676 OF 2021 (Navnath J. Kachare Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri A.B. Rajkar, learned Advocate for the applicant has filed a **leave note**. Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri A.D. Gadekar, learned Advocate for the respondent Nos.5 & 6.

2. In view of leave note of learned Advocate for the applicant, S.O. to 03.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.790 OF 2021 (Gajanan B. Aundhekar Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. Suchita Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 11.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.54 OF 2022 (Bhagwat S. Mane & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri V.G. Pingle, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 03.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.306 OF 2022 (Papindersingh S. Sandhu (Pujari) Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Amit A. Mukhedkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 22.12.2022 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.442 OF 2022 (Shankar M. Rathod Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

- 2. Affidavit in rejoinder filed by the applicant is taken on record and copy thereof has been served on the other side.
- 3. S.O. to 19.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.468 OF 2022 (Smita S. Ingle Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of the learned C.P.O., S.O. to 01.12.2022 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.485 OF 2022 (Jaspalsingh B. Kalon Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.A. Mukhedkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 22.12.2022 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

M.A.NO.51 OF 2021 IN O.A.ST.NO.184 OF 2021 (Sangameshwar M. Kadam Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Ms. Preeti R. Wankhade, learned Advocate for the applicant has filed a **leave note**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. In view of leave note of learned advocate for the applicant, S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A.ST.NO.1291/2020 IN O.A.NO.493/2018 (Rajendra K. Shimpi Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri H.A. Joshi, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.950 OF 2012 (Sanjeev R. Kadam Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri J.B. Choudhary, learned Advocate for the applicant has filed a **leave note**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. In view of leave note of learned Advocate for the applicant, S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.583 OF 2014 (Bhausaheb S. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities. Shri A.C. Deshpande, learned Advocate for the respondent Nos.5 & 6, is **absent**.

2. S.O. to 21.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.49 OF 2015 (Dattatray G. Zade Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. S.O. to 12.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.245 OF 2015 (Jagannath H. Mhaske Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 03.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.641 OF 2015 (Bhagatsingh P. Patil (Pawar) Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

2. S.O. to 03.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.513 OF 2016 (Nitin B. Mulay Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J)

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

2. S.O. to 04.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.644 OF 2016 (Ramrao K. Zode Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri Subhash Chillarge, learned Advocate for the applicant, Shri B.N. Patil, learned Advocate for the respondent No.4 and Shri S.S. Pahatale, learned Advocate for the respondent Nos.5 & 6, are **absent**.

Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. S.O. to 04.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.655 OF 2016 (Santosh C. Bhadane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri D.S. Bagul, learned Advocate for the applicant (**absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. S.O. to 05.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.750 OF 2016 (Jaysing S. Maher Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri Shamsundar Patil, learned Advocate for the respondent Nos.2 & 3. Shri S.T. Shelke, learned Advocate for the respondent No.4, is **absent**.

2. S.O. to 05.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.752 OF 2016 (Sanjay B. Rasane Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri B.G. Sagade Patil, learned Advocate for the applicant (**absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 05.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.925 OF 2016 (Kiran R. Tharewal Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri Nikhil S. Tekale, learned Advocate for the applicant and Shri Prakit A. Bhosale, learned Advocate for the respondent No.5, are **absent**.

Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. S.O. to 05.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.142 OF 2017 (Bajirao V. Chaudhari Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri R.R. Wakekar, learned Advocate holding for Shri A.D. Sugdare, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Smt. Sunita D. Shelke, learned Advocate for the respondent Nos.2 to 4.

- 2. The Original Application is filed seeking pay scale of promotional post under A.C.P.S.
- 3. Learned Advocate for the applicant on instructions seeks permission to withdraw the present Original Application. When the permission to withdraw the Original Application is sought unconditionally, we have no reason to refuse the permission to withdraw the Original Application.
- 4. In view of the above, the Original Application stands disposed of as withdrawn. No order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.903 OF 2018 (Dr. Jalindar S. Ambhore Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri Abhishek C. Deshpande, learned Advocate for the applicant (**absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. S.O. to 06.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.293 OF 2019 (Babasaheb S. Pagare Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

2. S.O. to 06.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.415 OF 2019 (Rajendra S. Jagdale Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

2. S.O. to 06.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

O.A.NOS. 468/2020, 469/2020 AND 478/2020 (Kuldeep I. Lhole & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri S.D. Munde, learned Advocate for the applicants in all these O.As. (**absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all these O.As.

2. S.O. to 09.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

O.A. No. 682/2021 with O.A. No. 683/2021 (Ashok K. Mehetre & Ors. Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Dr. Kalpalata Patil-Bharaswadkar, learned Advocate for the applicants in both the O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both the O.As.

2. At the request of learned Advocate for the applicants, S.O. to 12.12.2022 for further consideration.

MEMBER (A)

MEMBER (J)

O.A. Nos. 377/2019, 378/2019, 379/2019, 381/2019, 382/2019, 565/2019, 630/2019, 660/2019, 661/2019, 988/2019, 108/2020, 109/2020 and 656/2022 (Somnath A. Nande & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri R.C. Bramhankar, learned Advocate for the applicants for himself and holding for Shri V.S. Panpatte, learned Advocate for the applicants in respective O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. At the request of learned Advocate for the applicants, S.O. to 09.12.2022 for re-hearing.

MEMBER (A)

MEMBER (J)

C.P. No. 37/2022 in O.A. No. 138/2019 (Dnyanoba K. Ovhal Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

- 2. Issue notices to the respondents in C.P., returnable on 23.12.2022.
- 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.
- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 23.12.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

ORIGINAL APPLICATION NO. 992 OF 2022 (Hanuman V. Funde Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.A. Nimbalkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

- 2. Learned Advocate for the applicant filed affidavit. Same is taken on record and copy thereof has been served on the other side.
- 3. During the course of arguments, learned Advocate for the applicant has placed reliance on final order dated 02.05.2022 passed in O.A. No. 553/2021, whereby the applicant therein was granted to avail the benefit of Orphan category. In view of the same, call for the R & P of the O.A. No. 553/2021.
- 4. In view of above, S.O. to 25.11.2022 for further consideration.

MEMBER (A)
KPB ORAL ORDERS 23.11.2022

MEMBER (J)

ORIGINAL APPLICATION NO. 1016 OF 2022 (Vijaysingh K. Wagh Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.M. Hajare, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

- 2. Issue notices to the respondents, returnable on 03.01.2023.
- 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 03.01.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

ORIGINAL APPLICATION NO. 1017 OF 2022 (Dilip S. Pawar Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.M. Hajare, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

- 2. Issue notices to the respondents, returnable on 03.01.2023.
- 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 03.01.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

ORIGINAL APPLICATION NO. 1021 OF 2022 (Madhav K. Khairge Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, 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 30.11.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1023 OF 2022 (Suraj R. Rathod Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J)

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

2. S.O. to 24.11.2022 for passing necessary order on the point of interim relief.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 492 OF 2019 (Pritam B. Chavan Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

- 2. Learned Advocate for the applicant filed copy of bunch of orders passed in similar different O.As. Same is taken on record and copy thereof has been served on the other side.
- 3. At the request of learned C.P.O., S.O. to 12.12.2022 for re-hearing.

MEMBER (A)

MEMBER (J)

C.P. No. 47/2019 in O.A. No. 364/2016 (Rudrappa L. Lungare & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri R.P. Bhumkar, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

- 2. Await service of notice upon the respondent No. 5.
- 3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 4 in C.P.
- 4. S.O. to 05.01.2023.

MEMBER (A)

MEMBER (J)

C.P. No. 61/2019 in O.A. No. 533/2015 (Shivaji P. Shinde Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

- 2. Record shows that affidavit in reply is already filed on behalf of respondent No. 1 in C.P.
- 3. S.O. to 22.12.2022 for filing affidavit in reply on behalf of respondent No. 2 and for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 04 OF 2019 (Govind P. Gite Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.S. Kulkarni, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. Record shows that affidavit in reply is filed only on behalf of respondent No. 3.
- 3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 & 2.
- 4. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 97 OF 2019 (Mirkhan Iliyaskhan Pathan Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri Y.B. Pathan, learned Advocate for the applicant (**Absent**). Heard 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 Nos. 1 to 3.
- 3. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 128 OF 2019 (Ganesh T. Pagare Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri S.B. Mene, learned Advocate holding for Shri S.P. Urgunde, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri R.D. Khadap, learned Advocate for respondent No. 6.

- 2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 2 & 3.
- 3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1, 4 & 5.
- 4. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

T.A. No. 7/2021 (W.P. No. 10329/2021) (Shilpa A. Chate Vs. State of Maharashtra & Ors.) WITH

T.A. No. 8/2021 (W.P. No. 10446/2021) (Sonali R. Raghuwanshi Vs. State of Maharashtra & Ors.) WITH

T.A. No. 9/2021 (W.P. No. 11027/2021)
(Sahil Badshaha Shaikh & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

S/s Shri A.C. Darandale & H.U. Dhage, learned Advocates for the respective applicants in respective cases (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

- 2. Notices not collected by the applicants in all these cases.
- 3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 55 OF 2021 (Arvind S. Bhavar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri P.S. Anerao, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 20.12.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 419 OF 2021

(Deepak P. Dungahu Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.B. Chalak, 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, time is granted for filing rejoinder affidavit, if any.
- 3. S.O. to 03.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 480 OF 2021 (Shankar M. Sutar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

non die Shiri Bijay Kumar, Member (A

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

- 2. At the request of learned Advocate for the applicant, time is granted as a last chance for filing rejoinder affidavit, if any.
- 3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 525 OF 2021 (Guruling N. Tanwade Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. Suchita Dhongde, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1, 4 & 5 and Shri D.T. Devane, learned Advocate for respondent Nos. 2 & 3.

- 2. Record shows that affidavit in reply is filed on behalf of respondent No. 5.
- 3. At the request of learned Advocate for respondent Nos. 2 & 3, time is granted for filing affidavit in reply.
- 4. S.O. to 23.12.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 588 OF 2021 (Holambe N. Dagdu & Ors. Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 4. Shri C.A. Jadhav, learned Advocate for respondent No. 5, **absent**.

2. As none present for the respondent No. 5, S.O. to 20.12.2022 for filing affidavit in reply on behalf of respondent No. 5.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 32 OF 2022 (Yogesh U. Aher Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

- 2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
- 3. S.O. to 03.01.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 73 OF 2022 (Chakardhar P. Wadje Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. Suchita Dhongde, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent No. 1 and Shri D.T. Devane, learned Advocate for respondent No. 2.

- 2. At the request made on behalf of respondents, time is granted for filing affidavit in reply.
- 3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 107 OF 2022 (Mohan S. Desale Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Sunil B. Jadhav, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
- 3. S.O. to 12.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 164 OF 2022 (Nasiroddin Ajamoddin Shaikh Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri B.S. Dokar, learned Presenting Officer for the respondents.

- 2. Record shows that affidavit in reply is already field on behalf of respondent Nos. 1 to 3.
- 3. S.O. to 03.01.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 191 OF 2022 (Balu R. Nagare Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri V.M. Vibhute, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

- 2. Await service of notices on the respondents.
- 3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 211 OF 2022 (Smita R. Achme Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Shamsunder B. Patil, 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, time is granted for filing rejoinder affidavit, if any.
- 3. S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 237 OF 2022 (Vinayak U. Banchod Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

- Await service of notices upon the respondents. 2.
- 3. S.O. to 23.12.2022.

MEMBER (A) MEMBER (J)

ORIGINAL APPLICATION NO. 281 OF 2022 (Kirti M. Nagargoje Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. Suchita Dhongde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.
- 3. S.O. to 10.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 362 OF 2022 (Dr. Ashok S. Gawali Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

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 Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.
- 3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 445 OF 2022 (Shilpa S. Dhanmane & Ors. Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri R.A. Joshi, learned Advocate for the applicants (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

- 2. Await service of notices upon the respondents.
- 3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 523 OF 2022 (Gajanan Y. Bansode Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri S.A. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

- 2. Await service of notice upon respondent No. 5
- 3. S.O. to 04.01.2023.

MEMBER (A) MEMBER (J)

ORIGINAL APPLICATION NO. 542 OF 2022 (Nagnath S. Popalwar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri S.N. Janakwade, 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, time is granted for filing rejoinder affidavit, if any.
- 3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 545 OF 2022 (Vitthal T. Chaudhari Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 3 & 4.

- 2. At the request made on behalf of respondents, time is granted for filing affidavit in reply.
- 3. S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 546 OF 2022 (Samta R. Lokhande Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri S.S. Kulkarni, learned Advocate holding for Shri Y.P. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

- 2. Await service of notices upon the respondents.
- 3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 597 OF 2022 (Babasaheb B. Narwade Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri R.O. Awasarmol, 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 respondents.
- 3. S.O. to 03.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 607 OF 2022 (Surekha E. Phupate Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. Suchita Dhonde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

- 2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 & 2. Same is taken on record and copy thereof has been served on the other side.
- 3. S.O. to 16.12.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 877 OF 2022 (Deelip R. Sonar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

- 2. At the request of learned Chief Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 884 OF 2022 (Dr. Piyush U. Naragude Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

- 2. Learned Advocate for the applicant submits that during the course of the day service affidavit would be filed.
- 3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 4. S.O. to 22.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 924 OF 2022 (Vikas V. Tayade Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Mayur Subhedar, learned Advocate holding for Shri G.K. Kshirsagar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 03.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 418/2022 in O.A. No. 640/2022 (Dilipkumar R. Patil Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri S.V. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 03.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 422/2022 in O.A. St. No. 1440/2022 (Harischandra D. Patil Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Shri S.R. Patil, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

- 2. Await service of notice upon the respondents.
- 3. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 4. Same it taken on record.
- 4. S.O. to 03.01.2023.

MEMBER (A)

MEMBER (J)

- M.A. No. 385/2022 in O.A. St. No. 1402/2022 (Subhash R. Mahajan & Ors. Vs. State of Maharashtra & Ors.) WITH
- M.A. No. 387/2022 in O.A. St. No. 1405/2022 (Tulshiram K. Patil & Ors. Vs. State of Maharashtra & Ors.) WITH
- M.A. No. 389/2022 in O.A. St. No. 1408/2022 (Bhimrao B. Devre & Ors. Vs. State of Maharashtra & Ors.) WITH
- M.A. No. 391/2022 in O.A. St. No. 1411/2022 (Arun B. Salunkhe & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. Suchita Dhongde, learned Advocate for the applicants in all these cases, Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities in all these cases and Smt. Sunita D. Shelke, learned Advocate for respondent No. 4 in M.A. No. 385/2022.

- 2. Learned Advocate Shri Yogesh Patil, filed **VAKIL PATRA** on behalf of respondent No. 3 in M.A. No. 385/2022 and M.A. No. 389/2022. Same are taken on record.
- 3. At the request of learned Presenting Officer and learned Advocate for respondent No. 3, time is granted for filing affidavit in reply in M.A.
- 4. S.O. to 22.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1006 OF 2022 (Pravin B. Pote Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

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

2. S.O. to 24.11.2022 for passing necessary order on the point of interim relief.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 215 OF 2022 (Salim Mohd. Hanif Shaikh & Anr. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Avinash Deshmukh, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri U.L. Momale, learned Advocate for respondent Nos. 4 to 24.

- 2. In the beginning Shri V.B. Wagh, learned Advocate mentioned that he is in the process of filing of intervention application on behalf of some Government employees in the cadre of Executive Engineers. Upon enquiry, he submitted that such application is not yet registered. He sought to adjourn the present matter for hearing on tomorrow.
- 3. Learned Advocate for the applicants has no objection for adjournment.
- 4. Learned Advocate for respondent Nos. 4 to 24 however opposed for grant of adjournment.
- 5. Learned C.P.O. also opposed for adjournment.

- 6. Record shows that hearing of the present matter is already expedited by the order of the Hon'ble High Court. In view of the same, when the intervention application is still in process of filing, it would not be just and proper to adjourn the present matter. Hence, the learned Advocates for the parties to proceed with the present matter advancing arguments.
- 7. The present matter is to be treated as part heard.
- 8. S.O. to 25.11.2022. Interim relief granted earlier to continue till then.

MEMBER (A)
KPB ORAL ORDERS 23.11.2022

MEMBER (J)

M.A. No. 504/2022 in O.A. No. 112/2022 (State of Maharashtra & Ors. Vs. Bharat D. Raut)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in the present M.A. / respondent Nos. 1 to 4 in O.A., Ms. Pradnya Talekar, learned Advocate holding for Shri S.B. Talekar, learned Advocate for respondent No. 1 in the present M.A. / applicant in O.A. and Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for respondent No. 5 in O.A.

- 2. Learned Presenting Officer seeks permission to delete the name of applicant No. 5 in the present M.A.
- 3. Permission as prayed for the learned P.O. is granted. The learned P.O. shall carry out the necessary amendment in the present M.A. forthwith.
- 4. This Misc. Application is made by the applicants / respondents in O.A. seeking extension of further two months period from 20.11.2022 for

taking steps in accordance with law in respect of decision of this Tribunal dated 21.10.2022 passed in O.A. No. 112/2022.

- 5. Learned Advocate for respondent No. 1 in the present M.A. / applicant in O.A. opposed for grant of further time stating that twice the decision in respect of impugned transfer order was given by this Tribunal. Once the earlier order was challenged by the respondent No. 5 in O.A. No. 112/2022 viz. Shankar Kisanrao Shinde, who was initially joined as applicant No. 5 in the present M.A. According to her, one month's time was enough for taking necessary steps. The application is mala-fide.
- 6. After considering the submissions advanced on behalf of both the sides, in the interest of justice, one month's time from 20.11.2022 is granted to the applicants in the present M.A. / respondent Nos. 1 to 4 in the O.A. for taking necessary steps in accordance with law in respect of the order dated 20.10.2022 passed in O.A. No. 112/2022, which was decided in favour of the respondent No. 1 in the

//3//

MA 503/2022 in O.A. 112/2022

present M.A. / applicant in O.A. In the facts and circumstances, no further time would be granted in future.

7. Accordingly, the M.A. stands disposed of with no order as to costs.

MEMBER (J)

M.A. No. 36/2020 in O.A. 940/2019 (Ashok D. Phadnis Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

- 2. As per the order dated 08.06.2022 passed in M.A. No. 36/2020 in O.A. No. 940/2019, the delay was condoned subject to payment of costs of Rs. 1000/- (Rs. One Thousand Only) within a period of one month from the date of said order. The applicant however, did not deposit the amount of costs within time.
- 3. Now the learned Advocate for the applicant seeking extension of time for compliance of the order of costs.
- 4. In the interest of justice, the applicant is allowed to deposit the amount of costs within two days. Thereafter, the office to register the O.A. in accordance with law.

M.A. No. 137/2020 in O.A. St. No. 46/2020 (Sagar A. Zinjurde Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. M.L. Sangit, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

- 2. As per the order dated 29.09.2022 passed in M.A. No. 137/2020 in O.A. St. No. 46/2020, the delay was condoned subject to payment of costs of Rs. 1500/- (Rs. One Thousand and Five Hundred Only) within a period of one month from the date of said order. The applicant however, did not deposit the amount of costs within time.
- 3. Now the learned Advocate for the applicant seeking extension of time for compliance of the order of costs.
- 4. In the interest of justice, the applicant is allowed to deposit the amount of costs within two days. Thereafter, the office to register the O.A. in accordance with law.

M.A. No. 337/2020 in O.A. St. No. 1240/2020 (Nitin A. Shete Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. Vijaya Adkine, learned Advocate holding for Shri N.K. Tungar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

- 2. As per the order dated 17.10.2022 passed in M.A. No. 337/2020 in O.A. St. No. 1240/2020, the delay was condoned subject to payment of costs of Rs. 500/- (Rs. Five Hundred Only) within a period of one month from the date of said order. The applicant however, did not deposit the amount of costs within time.
- 3. Now the learned Advocate for the applicant seeking extension of time for compliance of the order of costs.
- 4. In the interest of justice, the applicant is allowed to deposit the amount of costs within two days. Thereafter, the office to register the O.A. in accordance with law.

ORIGINAL APPLICATION NO. 292 OF 2018 (Bhavana H. Thakare Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. Suchita Dhongde, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.

3. At the request of learned Advocate for the applicant, S.O. to 05.12.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 712 OF 2018 (Sandipan A. Gavali Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Sandipan A. Gavali, applicant in person Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that the original record was called for. Thereafter, the applicant is required to advance further arguments, which means that hearing of the present O.A. is required from beginning. Hence, the present matter is to be treated as depart heard and it be placed before the regular Single Bench.

3. S.O. to 07.12.2022.

MEMBER (J)

O.A. No. 162/2018 with O.A. No. 163/2018 (Baliram B. Patil & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri A.D. Sugdare, learned Advocate for the applicants in both the O.As., Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 & 2 in both the O.As. and Smt. Sunita D. Shelke, learned Advocate for respondent Nos. 3 and 4 in both the O.As..

- 2. Learned Advocate for the applicants submits that during pendency of the present O.As., the applicants have come across some documents. In view of that, the present O.As. are required to be amended. Hence, he seeks time for taking necessary steps in the matters. Time granted.
- 3. Accordingly, the present matters be treated as depart heard and it be placed before the regular Single Bench.
- 4. S.O. to 02.12.2022.

ORIGINAL APPLICATION NO. 494 OF 2021 (Dr. Dhananjay K. Sawant Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Heard Shri J.S. Deshmukh, learned counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent No. 4.

2. In annual general transfers effected in the year 2021 and more particularly on 9.8.2021, the applicant was transferred from Primary Health Centre, Chapoli, Tq. Chakur, Dist. Latur to Mobile Medical Unit at Latur in place of respondent No. 4. However, no simultaneous order was passed for further posting of respondent No. 4. circumstances, respondent No. 4 approached this Tribunal with the grievance that without giving him any posting the applicant has been transferred in his place. Respondent No. 4 was given interim relief by this Tribunal and based on the said interim relief respondent No. 4 continued to discharge duties on his existing post on which the applicant was transferred. Thereafter, within 15 days the transfer of the applicant was cancelled vide order passed on

23.8.2021 and thus the applicant remained at his existing post at Chapoli and presently also working at the same place.

- 3. Today, when the present matter is taken up for consideration it is informed by the learned counsel appearing for respondent No. 4 that respondent No. 4 has now been relieved from his said post for pursuing the P.G. course. In the circumstances, request has been made by the learned counsel appearing for the applicant that now there may not be any difficulty in allowing the applicant to join the said post. However, further information is given by the learned Presenting Officer that after respondent No. 4 was relived from the said post another candidate has been appointed on the said post. Thus, there is no scope for the applicant to seek his transfer on the said post or seek further orders permitting him to join at the said post, unless the person who has been given posting in place of respondent No. 4 is made party in the present proceedings.
- 3. In the aforesaid factual situation the learned counsel for the applicant sought time to amend the O.A. and thereafter prosecute the O.A. further. I am

however, not inclined to allow such request made by the applicant. It appears to me that at the time of annual transfers, which are normally made in the month of May and June, and preparations for which are commenced from the month of March itself, it would be more appropriate if the applicant seeks his transfer at any other places of his choice in the said annual transfers and gets such transfer at the place out of preferences, which may be given by him. In the circumstances, without going into the merits of the contentions raised by the parties in the present O.A., I deem it appropriate to dispose of the present Original Application with the following order, which would meet ends of justice: -

ORDER

The respondents shall, positively, consider the request of the applicant for his transfer in ensuing annual general transfers and shall see that he is transferred at any of the place in order of preferences given by him.

:: - 4 - :: O.A. NO. 494/2021

(ii) The Original Application stands disposed of in the aforesaid terms, however, without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 23.11.2022-HDD

ORIGINAL APPLICATION NO. 618 OF 2022 (Shivaji M. Palepad Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken and copy thereof has been served on the other side.

3. List the matter for hearing on 11.1.2023.

VICE CHAIRMAN

ORAL ORDERS 23.11.2022-HDD

ORIGINAL APPLICATION NO. 522 OF 2022 (Shobha B. Parodwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. Learned counsel for the applicant submits that no rejoinder is to be filed in the present matter. As such, list the matter for hearing on 20.1.2023.

VICE CHAIRMAN

ORAL ORDERS 23.11.2022-HDD

M.A.NO. 166/2022 IN O.A.ST.NO. 644/2022 (Shaikh Mohseen Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. Learned counsel for the applicant submits that no rejoinder is to be filed in the present matter. As such, list the matter for hearing on 20.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 159 OF 2022 (Sanjay D. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 14.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 160 OF 2022 (Anant A. Kendrekar Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 14.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 860 OF 2022 (Harichandra A. Gawali Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

- 2. At the request of learned counsel appearing for the applicant, issue fresh notices to the respondents, returnable on 18.1.2023.
- 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

:: - 2 - :: O.A. NO. 860/2022

(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 18.1.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 935 OF 2022 (Pooja M. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

- 2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 3 & 4 and the same is taken on record and copy thereof has been served on the other side.
- 3. At the request of learned counsel appearing for the applicants, issue fresh notice to respondent No. 1, returnable on 7.12.2022.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 5. 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.

:: - 2 - :: O.A. NO. 935/2022

- 6. 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.
- 7. 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.
- 8. S.O. to 7.12.2022.
- 9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 656 OF 2021 (Shrikisan M. Choure Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Smt. Suchita Amit Dhongde, learned counsel for the applicant and Smt. Sanjivan Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Learned counsel for the applicant has opposed the request stating that due opportunities are already availed by the respondents for filing affidavit in reply. In the interest of justice time is granted by way of last chance.

3. S.O. to 17.1.2023. It is clarified that if affidavit in reply is not filed before the given date, the matter will be heard without affidavit in reply of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 612 OF 2021 (Dr. Arun B. Morale Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri N.U. Telaonkar, learned counsel holding for Shri Suresh P. Salgar, learned counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Pramod Pisal, learned counsel for respondent Nos. 3 to 5, are present.

2. At the request of learned counsel for the applicant, S.O. to 11.1.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

REV. 06/22 IN M.A. 469/22 IN O.A. 536/21 (The Charity Commissioner, M.S. Mumbai Dharmaday Ayukt Bhavan Through the Deputy Charity Commissioner,, Mah. State, Mumbai Vs. Dnyaneshwar S. Andhale)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri I.S. Thorat, learned Presenting Officer for the applicants in review petition/respondents in O.A. and Shri R.A. Joshi, learned counsel for respondent in review petition/applicant in O.A., are present.

2. Learned Member (J), who has passed the order review of which is sought in the present review petition is presently sitting in the Division Bench. However, since learned Member (J) is available at Aurangabad place the present matter before him for further consideration by tomorrow i.e. on 24.11.2022. Till then earlier arrangement to continue.

ORIGINAL APPLICATION NO. 199 OF 2021 (Ravindra N. Kshirsagar Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri G.J. Pahilwan, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 167 OF 2021 (Rupesh Shriram Nagrale Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. At the request of learned counsel for the applicant, S.O. to 29.11.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 67 OF 2021 (Prabhakar R. Chincholkar Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri S.G. Kulkarni, learned counsel for the applicant, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O.to 11.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 173 OF 2022 (Ajay Gautam Dawane & Anr. Vs. State of Maha. & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri V.P. Kadam, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 30.11.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 586 OF 2020 (Sonaji K. Barhate Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri Ashish B. Rajkar, learned counsel for the applicant has filed leave note. Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri N.U. Yadav, learned counsel for respondent Nos. 2 & 3, are present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 10.1.2023.

VICE CHAIRMAN

M.A.ST.NO. 1916/2022 IN O.A.ST.NO. 1917/2022 (Shrimant Narsu Ovhal Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

- 2. This is an application seeking condonation of delay, which has occasioned in preferring the O.A. annexed with this M.A.
- 3. Issue notices to the respondents in delay condonation application, returnable on 16.1.2023.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 5. 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.

:: - 2 - :: M.A.ST.NO. 1916/2022 IN O.A.ST.NO. 1917/2022

- 6. 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.
- 7. 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.
- 8. S.O. to 16.1.2023.
- 9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A.ST.NO. 1918/2022 IN O.A.ST.NO. 1919/2022 (Khwaja Ashfak Ahmed Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

- 2. This is an application seeking condonation of delay, which has occasioned in preferring the O.A. annexed with this M.A.
- 3. Issue notices to the respondents in delay condonation application, returnable on 16.1.2023.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 5. 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.

:: - 2 - :: M.A.ST.NO. 1918/2022 IN O.A.ST.NO. 1919/2022

- 6. 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.
- 7. 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.
- 8. S.O. to 16.1.2023.
- 9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1012 OF 2022 (Pandurang Raghuji Sable Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

- 2. It is the grievance of the applicant in the present matter that retiral benefits are withheld only on the ground that the criminal appeal filed before the Hon'ble High Court against the order of acquittal recorded in favour of the applicant in Anticorruption matter is pending. As such, I deem it appropriate to issue notices to the respondents and require the respondents to ascertain whether the retiral benefits are withheld only on the above ground alone or there is any other ground.
- 3. Issue notices to the respondents, returnable on 8.12.2022.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

:: - 2 -:: O.A. NO. 1012/2022

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.

- 6. 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.
- 7. 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.
- 8. S.O. to 8.12.2022.
- 9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1013 OF 2022 (Sambhaji K. Khupse Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

- 2. It is the grievance of the applicant in the present matter that retiral benefits are withheld only on the ground that the criminal appeal filed before the Hon'ble High Court against the order of acquittal recorded in favour of the applicant in Anticorruption matter is pending. As such, I deem it appropriate to issue notices to the respondents and require the respondents to ascertain whether the retiral benefits are withheld only on the above ground alone or there is any other ground.
- 3. Issue notices to the respondents, returnable on 8.12.2022.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

:: - 2 -:: O.A. NO. 1013/2022

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.

- 6. 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.
- 7. 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.
- 8. S.O. to 8.12.2022.
- 9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1014 OF 2022 (Namdeo Bandu Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

- 2. It is the grievance of the applicant in the present matter that retiral benefits are withheld only on the ground that the criminal appeal filed before the Hon'ble High Court against the order of acquittal recorded in favour of the applicant in Anticorruption matter is pending. As such, I deem it appropriate to issue notices to the respondents and require the respondents to ascertain whether the retiral benefits are withheld only on the above ground alone or there is any other ground.
- 3. Issue notices to the respondents, returnable on 8.12.2022.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

:: - 2 -:: O.A. NO. 1014/2022

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.

- 6. 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.
- 7. 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.
- 8. S.O. to 8.12.2022.
- 9. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 1029 OF 2022 (Wajeed Majeed Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri R.P. Adgaonkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

- 2. Issue notices to the respondents, returnable on 5.1.2023.
- 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 5.1.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 688 OF 2022 (Ashok Kisanrao Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. Amruta Paranjape-Menezes, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

- 2. Issue notices to the respondents, returnable on 18.1.2023.
- 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 18.1.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

M.A.NO. 158/2021 IN O.A.ST.NO. 593/2021 (Kishor Jayram Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri N.J. Patil, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. This is an application filed by the applicant seeking condonation of delay of about 277 days occasioned in filing accompanying original application.

3. For the reasons stated in the present application, the same is allowed and delay occasioned in filing accompanying O.A. is condoned. Accordingly, O.A. be registered in accordance with law.

There shall be no order as to costs.

ORIGINAL APPLICATION ST.NO. 593 OF 2021 (Kishor Jayram Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri N.J. Patil, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

- 2. Issue notices to the respondents, returnable on 16.1.2023.
- 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 16.1.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 732 OF 2022 (Avinash H. Samudre Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri N.U. Telaonkar, learned counsel holding for Shri Suresh P. Salgar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.1.2023 for filing rejoinder affidavit.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 815 OF 2022 (Akash Dilip Nagrale Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri N.U. Telaonkar, learned counsel holding for Shri Suresh P. Salgar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 18.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 409/2021 (Govind R. More Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23.11.2022

ORAL ORDER:

Smt. Priya R. Bharaswadkar, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, as a last chance S.O. to 15.12.2022 for filing affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 23.11.2022

ORIGINAL APPLICATION NO. 491/2021 (Bhagwan S. Naik Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri Vijay V. Deshmukh, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 15.12.2022 for filing affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 23.11.2022

ORIGINAL APPLICATION NO. 11/2022 (Sahebrao D. Wankhade Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri Girish N. Kulkarni (Mardikar), learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.12.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 23.11.2022

ORIGINAL APPLICATION NO. 497/2022 (Sachin J. Jadhav Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

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

2. The learned PO has sought some more time for filing the reply. Though last chance was granted to the respondents to file the affidavit in reply, the same is not filed. However, in the interest of justice by way of one more last chance, time is granted to the respondents for filing the reply. It is however made clear that if the reply is not filed by the next date, the matter will be placed for hearing without reply of the respondents.

3. S.O. to 19.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 500/2022 (Jaganlal B. Kewat Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23.11.2022

ORAL ORDER:

Shri KB Jadhav, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has tendered across the bar the affidavit in reply on behalf of respondent no. 3. It is taken on record and copy thereof has been supplied to other side. The learned counsel submits that he does not wish to file rejoinder affidavit.

3. In the circumstances, S.O. to 15.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 846/2022 (Sadashiv Sawai Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri AD Gadekar, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Await Service.

3. S.O. to 16.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 847/2022 (Keshav G. Lohar Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri AD Gadekar, learned counsel for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Await Service.

3. S.O. to 16.12.2022.

VICE CHAIRMAN

MA 229/2021 IN OA ST. 655/2021 (Pundlik Ambhore Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri AG Vasmatkar, 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 PO, S.O. to 4.1.2023 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

MA 411/2021 WITH MA 126/19 IN OA ST. 534/2019 (Sachin B. Waghmare Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri Amol Gandhi, learned counsel for the applicant (**absent**). Smt. MS Patni, learned Presenting Officer for the respondent authorities and Shri SB Mene, learned counsel for respondent no. 2 in MA No. 126/2019, are present.

2. Though by way of one more last chance time was grated to the respondents for filing the affidavit in reply, till date the same is not filed.

3. Hence, S.O. to 20.12.2022 for hearing.

VICE CHAIRMAN

MA 295/2022 IN OA ST. 910/2022 (Nanda Nagare & Ors. Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23.11.2022

ORAL ORDER:

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

2. At the request of learned PO, S.O. to 22.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

MA 453/2022 IN OA ST. 1562/2022 (Vishwanath Diwate Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23.11.2022

ORAL ORDER:

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

2. At the request of learned PO, S.O. to 21.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

MA 472/2022 IN OA ST. 1845/2022 (Harischandra Fulpagare Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri KB Jadhav, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 15.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 760/2022 (Hitesh Vispute Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23.11.2022

ORAL ORDER:

Heard Shri KB Jadhav, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned counsel for the applicant, issue fresh notice to respondent no. 1, returnable on 4.1.2023.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 4.1.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

O.A. NO. 188/2022 (Gorakh M. Shinde Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri Girish A. Awale, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Though last chance was granted to the respondents for filing the affidavit in reply, till date the same is not filed.

3. At the request of learned PO, as one more last chance, S.O. to 10.1.2023 for filing the affidavit in reply of the respondent nos. 1, 3 & 4.

VICE CHAIRMAN

O.A. NO. 679/2022 (Sanjay Jagtap Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE: 23.11.2022

ORAL ORDER:

Shri VB Wagh, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Though last chance was granted to the respondents for filing the affidavit in reply, till date the same is not filed.

3. At the request of learned PO, as a one more last chance, S.O. to 2.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

O.A. NO. 680/2022 (Subhash S. Patil Vs. State of Maharashtra & Ors.)

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

Vice Chairman

DATE : 23.11.2022

ORAL ORDER:

Shri VB Wagh, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Though last chance was granted to the respondents for filing the affidavit in reply, till date the same is not filed.

3. At the request of learned PO, as a one more last chance, S.O. to 2.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 353 OF 2020 (Shivraj V. Kangale Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri Sandip C. Swamit Chakurkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

- 2. The grievance of the applicant is that he was entitled for the revised pension as was directed to be paid by the Hon'ble High Court in the order dated 13.4.2017 passed in W.P. No. 2514/2017 filed by the present applicant. It is the contention of the applicant that respondents while remitting the said amount after incorrectly and illegally deducted therefrom amount of Rs. 2,07,318/-. The applicant has, therefore, filed the present O.A. for declaring the said act of the respondents to be against the decision rendered by the Hon'ble High Court.
- 3. The request is opposed by the respondents. In the affidavit in reply filed on behalf of the respondents it has been clarified that as has been directed by the Hon'ble High Court in order dated 13.4.2017 passed in W.P. No. 2514/2017 the respondents have calculated

- the amount of pension payable to the applicant afresh by holding the applicant to be in service up to the date of his superannuation and thereafter has deducted the amount which was paid to the applicant by way of pension based on the earlier calculations. The details are there on record.
- 4. The facts on record reveal that the DE was conducted against the applicant and punishment of compulsory retirement was awarded to him by the disciplinary authority. The applicant challenged the said order before this Tribunal by filing O.A. No. 01/2013. This Tribunal set aside the punishment of compulsory retirement, however, did not award any other relief. The Tribunal however held that services of the applicant would be counted till 30.11.1989 and his services the date of his up to superannuation will not be counted for the purpose of pensionary benefits. The order so passed by the Tribunal was questioned by the applicant before the Hon'ble Bombay High Court in Writ Petition No. 2514/2017. The Hon'ble High Court while allowing the said Writ Petition held that once the order of compulsory retirement was set aside by the Tribunal, the applicant in normal course would be deemed to be continued in service till the

date of his superannuation i.e. 30.11.1999. In the circumstances, the Hon'ble High Curt modified the order passed by the Tribunal only to the extent that the services of the applicant shall be counted till date of his superannuation, which is 30.11.1999. The Hon'ble High Court further held that the petitioner shall not be entitled for any arrears of salary or interest on gratuity till that date. It was further held that the services of the petitioner shall however be counted as qualifying service for the purpose of pensionary benefits till date on which he would have attained the age of superannuation.

5. According to the order passed by the Hon'ble High Court, the pension proposal pertaining to the applicant was re-submitted and revised PPO was passed on 7.1.2019. In the meanwhile the applicant was paid the pension from 1.12.1989 to 30.10.2018 on the basis of the earlier pension proposal. While calculating the pension as per the revised PPO on 7.1.2019 the office of the Principal Accountant General caused recovery of Rs. 2,07,389/-. The amount so directed to be recovered is towards the payment already made, determined on the pension earlier fixed. Now the amounts payable to the applicant are worked

//4// O.A. No. 353 OF 2020

out/revised in compliance of the order passed by the Hon'ble High Court. This amount is admittedly higher amount and is inclusive of the amounts paid in past on the basis of the order of the Tribunal. In the circumstances, there appears no error on part of the respondents if recovery of that amount is directed. I therefore see no substance in the application so filed. In the result the following order is passed:-

ORDER

The Original Application stands dismissed. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 618 OF 2022 (Shivaji M. Palepad Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken and copy thereof has been served on the other side.

3. List the matter for hearing on 11.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 522 OF 2022 (Shobha B. Parodwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. Learned counsel for the applicant submits that no rejoinder is to be filed in the present matter. As such, list the matter for hearing on 20.1.2023.

VICE CHAIRMAN

M.A.NO. 166/2022 IN O.A.ST.NO. 644/2022 (Shaikh Mohseen Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. Learned counsel for the applicant submits that no rejoinder is to be filed in the present matter. As such, list the matter for hearing on 20.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 159 OF 2022 (Sanjay D. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 14.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 160 OF 2022 (Anant A. Kendrekar Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 14.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 860 OF 2022 (Harichandra A. Gawali Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

- 2. At the request of learned counsel appearing for the applicant, issue fresh notices to the respondents, returnable on 18.1.2023.
- 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

:: - 2 - :: O.A. NO. 860/2022

(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 18.1.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 935 OF 2022 (Pooja M. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

- 2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 3 & 4 and the same is taken on record and copy thereof has been served on the other side.
- 3. At the request of learned counsel appearing for the applicants, issue fresh notice to respondent No. 1, returnable on 7.12.2022.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 5. 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.

:: - 2 - :: O.A. NO. 935/2022

- 6. 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.
- 7. 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.
- 8. S.O. to 7.12.2022.
- 9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 656 OF 2021 (Shrikisan M. Choure Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Smt. Suchita Amit Dhongde, learned counsel for the applicant and Smt. Sanjivan Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Learned counsel for the applicant has opposed the request stating that due opportunities are already availed by the respondents for filing affidavit in reply. In the interest of justice time is granted by way of last chance.

3. S.O. to 17.1.2023. It is clarified that if affidavit in reply is not filed before the given date, the matter will be heard without affidavit in reply of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 612 OF 2021 (Dr. Arun B. Morale Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri N.U. Telaonkar, learned counsel holding for Shri Suresh P. Salgar, learned counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Pramod Pisal, learned counsel for respondent Nos. 3 to 5, are present.

2. At the request of learned counsel for the applicant, S.O. to 11.1.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

REV. 06/22 IN M.A. 469/22 IN O.A. 536/21 (The Charity Commissioner, M.S. Mumbai Dharmaday Ayukt Bhavan Through the Deputy Charity Commissioner,, Mah. State, Mumbai Vs. Dnyaneshwar S. Andhale)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri I.S. Thorat, learned Presenting Officer for the applicants in review petition/respondents in O.A. and Shri R.A. Joshi, learned counsel for respondent in review petition/applicant in O.A., are present.

2. Learned Member (J), who has passed the order review of which is sought in the present review petition is presently sitting in the Division Bench. However, since learned Member (J) is available at Aurangabad place the present matter before him for further consideration by tomorrow i.e. on 24.11.2022. Till then earlier arrangement to continue.

ORIGINAL APPLICATION NO. 199 OF 2021 (Ravindra N. Kshirsagar Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri G.J. Pahilwan, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 167 OF 2021 (Rupesh Shriram Nagrale Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. At the request of learned counsel for the applicant, S.O. to 29.11.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 67 OF 2021 (Prabhakar R. Chincholkar Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri S.G. Kulkarni, learned counsel for the applicant, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O.to 11.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 173 OF 2022 (Ajay Gautam Dawane & Anr. Vs. State of Maha. & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri V.P. Kadam, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 30.11.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 586 OF 2020 (Sonaji K. Barhate Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri Ashish B. Rajkar, learned counsel for the applicant has filed leave note. Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri N.U. Yadav, learned counsel for respondent Nos. 2 & 3, are present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 10.1.2023.

VICE CHAIRMAN

M.A.ST.NO. 1916/2022 IN O.A.ST.NO. 1917/2022 (Shrimant Narsu Ovhal Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

- 2. This is an application seeking condonation of delay, which has occasioned in preferring the O.A. annexed with this M.A.
- 3. Issue notices to the respondents in delay condonation application, returnable on 16.1.2023.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 5. 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.

:: - 2 - :: M.A.ST.NO. 1916/2022 IN O.A.ST.NO. 1917/2022

- 6. 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.
- 7. 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.
- 8. S.O. to 16.1.2023.
- 9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A.ST.NO. 1918/2022 IN O.A.ST.NO. 1919/2022 (Khwaja Ashfak Ahmed Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

- 2. This is an application seeking condonation of delay, which has occasioned in preferring the O.A. annexed with this M.A.
- 3. Issue notices to the respondents in delay condonation application, returnable on 16.1.2023.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 5. 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.

:: - 2 - :: M.A.ST.NO. 1918/2022 IN O.A.ST.NO. 1919/2022

- 6. 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.
- 7. 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.
- 8. S.O. to 16.1.2023.
- 9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1012 OF 2022 (Pandurang Raghuji Sable Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

- 2. It is the grievance of the applicant in the present matter that retiral benefits are withheld only on the ground that the criminal appeal filed before the Hon'ble High Court against the order of acquittal recorded in favour of the applicant in Anticorruption matter is pending. As such, I deem it appropriate to issue notices to the respondents and require the respondents to ascertain whether the retiral benefits are withheld only on the above ground alone or there is any other ground.
- 3. Issue notices to the respondents, returnable on 8.12.2022.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

:: - 2 -:: O.A. NO. 1012/2022

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.

- 6. 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.
- 7. 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.
- 8. S.O. to 8.12.2022.
- 9. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 1013 OF 2022 (Sambhaji K. Khupse Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

- 2. It is the grievance of the applicant in the present matter that retiral benefits are withheld only on the ground that the criminal appeal filed before the Hon'ble High Court against the order of acquittal recorded in favour of the applicant in Anticorruption matter is pending. As such, I deem it appropriate to issue notices to the respondents and require the respondents to ascertain whether the retiral benefits are withheld only on the above ground alone or there is any other ground.
- 3. Issue notices to the respondents, returnable on 8.12.2022.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

:: - 2 -:: O.A. NO. 1013/2022

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.

- 6. 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.
- 7. 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.
- 8. S.O. to 8.12.2022.
- 9. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 1014 OF 2022 (Namdeo Bandu Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

- 2. It is the grievance of the applicant in the present matter that retiral benefits are withheld only on the ground that the criminal appeal filed before the Hon'ble High Court against the order of acquittal recorded in favour of the applicant in Anticorruption matter is pending. As such, I deem it appropriate to issue notices to the respondents and require the respondents to ascertain whether the retiral benefits are withheld only on the above ground alone or there is any other ground.
- 3. Issue notices to the respondents, returnable on 8.12.2022.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

:: - 2 -:: O.A. NO. 1014/2022

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.

- 6. 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.
- 7. 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.
- 8. S.O. to 8.12.2022.
- 9. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 1029 OF 2022 (Wajeed Majeed Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri R.P. Adgaonkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

- 2. Issue notices to the respondents, returnable on 5.1.2023.
- 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 5.1.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

ORAL ORDERS 23.11.2022-HDD

ORIGINAL APPLICATION NO. 688 OF 2022 (Ashok Kisanrao Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Smt. Amruta Paranjape-Menezes, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

- 2. Issue notices to the respondents, returnable on 18.1.2023.
- 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 18.1.2023.

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

VICE CHAIRMAN

ORAL ORDERS 23.11.2022-HDD

M.A.NO. 158/2021 IN O.A.ST.NO. 593/2021 (Kishor Jayram Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri N.J. Patil, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

- 2. This is an application filed by the applicant seeking condonation of delay of about 277 days occasioned in filing accompanying original application.
- 3. For the reasons stated in the present application, the same is allowed and delay occasioned in filing accompanying O.A. is condoned. Accordingly, O.A. be registered in accordance with law.

There shall be no order as to costs.

ORIGINAL APPLICATION ST.NO. 593 OF 2021 (Kishor Jayram Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Heard Shri N.J. Patil, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

- 2. Issue notices to the respondents, returnable on 16.1.2023.
- 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 16.1.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

ORAL ORDERS 23.11.2022-HDD/ARJ

ORIGINAL APPLICATION NO. 732 OF 2022 (Avinash H. Samudre Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri N.U. Telaonkar, learned counsel holding for Shri Suresh P. Salgar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.1.2023 for filing rejoinder affidavit.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 815 OF 2022 (Akash Dilip Nagrale Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

Shri N.U. Telaonkar, learned counsel holding for Shri Suresh P. Salgar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 18.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 489 OF 2021 (Sanjay Narayan Hange Vs. State of Maharashtra & Ors.)

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

DATE : 23.11.2022

ORAL ORDER:

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

2. The grievance of the applicant in the present O.A. is that he has been transferred at a place beyond the options given by him at the time of annual general transfers. It is further case of the applicant that the post was at the relevant time available for considering the request of the applicant and the applicant could have been very well transferred on one of the options given by him. Learned counsel taking me through the documents on record pointed out that in the list of employees to be transferred the applicant was at Sr. No. 2. The candidate, who is at Sr. No. 1 was transferred in the same annual general transfers and the post has, therefore, obviously fallen vacant for which the applicant has given a preference. In the circumstances, the applicant was legitimately expecting that he will be transferred on the said place. However, vide the impugned order he has been given the posting for which he has not given

any option and the said post was given to respondent No. 6 though the said respondent is admittedly junior to the present applicant. In the circumstances, the prayer has been made for cancellation of the posting of respondent No. 6 and to direct the respondents to appoint by way of transfer the present applicant on the said post.

3. The request has been opposed by the respondents by filing their affidavit in reply. According to the contentions raised in the affidavit in reply, no illegality has been committed by the respondents and the respondents have broadly considered the options given by all of the employees while effecting the annual general transfers and taking care that minimum inconvenience shall cause to the employees. It is further contended that at the relevant time since no post was available for which option was given by the applicant, he has been accommodated in the office of Sub-Divisional Officer (Revenue), Beed in the same premises on the same post. In the circumstances, according to the respondents, the grievance of the applicant is

without any substance. The request has been, therefore, made for rejecting the O.A.

- 4. It has been further contended by the learned P.O that during the pendency of the present O.A. the moment one post become vacant, to which there was a preference given by the applicant, the transfer order of the applicant has been modified and he has been transferred at the said place and thus the grievance of the applicant now stands redressed. For the aforesaid reasons prayer has been made by the learned P.O. for dismissal of the O.A.
- 5. Insofar as factual matrix is concerned, there seems no dispute. The contentions of the applicant as about his claim based on his seniority cannot be out-rightly rejected and it appears to me that if same would have been considered at the relevant time the applicant perhaps may not have to indulge in filing O.A. for redressal of his grievance. However, during the pendency of the present O.A. the grievance of the applicant has been redressed. In the circumstances, it appears to me that now matter remains for academic purpose. I may not

:: - 4 - :: O.A. NO. 489/2021

indulge in the discussion in that regard. When the applicant has now been given posting on one of his preferences and he has already joined the said post. It does not appear to me that any further order requires to be passed in the present matter.

6. The Original Application, therefore, stands disposed of with the observations as aforesaid. No order as to costs.

VICE CHAIRMAN