

M.A.NO.194/2020 IN O.A.NO.174/2020
(Ravindra Bibekar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 02.08.2021

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondents and Shri G.N.Patil learned Advocate for respondent no.4.

2. Learned Advocate Shri Patil has filed affidavit in reply on behalf of respondent no.4 in the M.A. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 07-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.297/2019
(Balaji Shinde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 02.08.2021

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate holding for Shri D.S.Manorkar, learned Advocate for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondent no.1 and Shri S.B.Mene learned Advocate for respondent nos.2 and 3.

2. Learned Advocate of the applicant has filed two documents:

(a) Letter dated 01-03-2021 addressed to Superintending Engineers of various circles issued by Water Resources Department.

(b) Circular dated 28-02-2017 issued by Law and Judiciary Department, Government of Maharashtra.

These two documents are taken on record and marked as document "X" collectively.

3. Learned Advocate for respondent nos.2 and 3 seeks time to take instructions in the matter to file a short affidavit, if necessary.

4. S.O. to 25-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.687/2019
(Pushpa Dhangar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 02.08.2021

ORAL ORDER :

Heard Shri Sunil B. Jadhav, learned Advocate for the applicants, Shri D.R.Patil, learned Presenting Officer for the respondent and Shri P.H.Patil learned Advocate for respondent no.2.

2. Pleadings are complete. Matter be placed for final hearing.
3. S.O. to 24-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.902/2019
(Shivaji Thorat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 02.08.2021

ORAL ORDER :

Heard Shri Ashish Rajkar learned Advocate holding for Shri Kakasaheb B. Jadhav, learned Advocate for the applicants and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.502/2020
(Shrikant Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 02.08.2021

ORAL ORDER :

Heard Smt. Priya Bharaswadkar learned Advocate holding for Shri R.N.Bharaswadkar, learned Advocate for the applicants and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 25-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.102/2021
(Sangram Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 02.08.2021

ORAL ORDER :

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

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 30-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.156/2021
(Jayshree Sonwane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 02.08.2021

ORAL ORDER :

Heard Shri S.D.Dhongde, learned Advocate for the applicants and Shri D.R.Patil, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 30-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.141/2019

(Dr. Pandharinath Gawali & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 02.08.2021

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicants and Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. Arguments are heard at some length. Matter be treated as **part heard**.

3. S.O. to 18-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.386/2019
(Gautam Fasale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 02.08.2021

ORAL ORDER :

Heard Smt. Priya Bharaswadkar learned Advocate holding for Shri R.N.Bharaswadkar, learned Advocate for the applicants and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 310 OF 2021
(Gopinath B. NalawadeVs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 08.09.2021.

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. 310/2021

(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 08.09.2021.

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

9. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

**M.A. No. 179/2021 in O.A. St. No. 695/2021
(Ashok K. Bhalerao&Ors.Vs. State of Maharashtra &Ors.)**

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri AshishRajkar, learned Advocate for the applicants and Shri V.R. Bhumkar, learnedPresenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 26.08.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 215/2021 in O.A. St. No. 897/2021
(Dnyaneshwar R. Tidke&Anr.Vs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri AbhijitThombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned advocate for the applicants submits that there is formal defect in the O.A. filed by the present applicants about the alleged cause of action and all facts have not been pleaded satisfactorily. Therefore, he seeks leave of this Tribunal to withdraw the present M.A. and O.A. with liberty to file a fresh proceeding on same cause of action.

3. Considering the facts and circumstances, the M.A. and O.A. stand disposed of as withdrawn with liberty to file fresh proceeding on same cause of action. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 1138 OF 2020
(Vishnu S. SanapVs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Shri Ameya N. Sabnis, learned Advocate for the applicant (**Absent**).

Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 24.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 261 OF 2021
(Ratan A. Suradkar Vs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed separate affidavit in replies on behalf of respondent Nos. 2 & 3 respectively. Same are taken on record and copies thereof have been served on the other side.

3. S.O. to 03.09.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 174/2017 in O.A. St. No. 588/2017
(Asaram S. ChormareVs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicants, S.O. to 07.09.2021.

MEMBER (A)

MEMBER (J)

O.A. Nos. 212, 213 & 214 All of 2019
(Sundar S. Waghmare&Ors.Vs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri D.R. IralePatil, learned Advocate for the applicants in all these O.As. and Shri S.K. Shirse, learned Presenting Officer for the respondents in all these O.As.

2. Record shows that today the present matters are kept for filing additional affidavit in reply to the amended pleadings in the O.As.

3. Learned Presenting Officer submits that the additional affidavit in reply is not ready and he seeks time for filing the same.

4. Learned Advocate for the applicants submits that the time can be granted as a last chance.

5. In the interest of justice, short time is granted for filing additional affidavit in reply to the amended pleadings in the O.As.

6. S.O. to 09.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 355 OF 2019
(Nangesh N. Unche&Ors.Vs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri D.R. IralePatil, learned Advocate for the applicants, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent Nos. 3 to 5.

2. Learned Advocate for respondent Nos. 3 to 5 has filed affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

3. Learned Advocate for the applicant has filed rejoinder affidavit to the affidavit in reply filed by the respondent Nos. 1 & 2. Same is taken on record and copy thereof has been served on the other side.

4. S.O. to 09.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 439 OF 2019
(Prakash M. IshwareVs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri D.R. IralePatil, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 & 3, Shri S.B. Mene, learned Advocate for respondent No. 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent Nos. 4 to 7.

2. Record shows that the respondent No. 3 i.e. the M.P.S.C. is newly added respondent by the order of this Tribunal dated 22.07.2019. Thereafter, the private respondent Nos. 4 to 7 are also added as per the order of this Tribunal dated 22.07.2019. Record further shows that affidavit in reply on behalf of respondent Nos. 1 and 2 and 4 to 7 are already filed on record. Further the rejoinder affidavit to the affidavit in reply filed by the respondent Nos. 1 and 2 is also filed on record.

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O.A. No. 439/2019

3. Today, learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy thereof has been served on the other side.

4. S.O. to 09.09.2021.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 02.08.2021

ORIGINAL APPLICATION NO. 535 OF 2019
(Nitin D. Ingale Vs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply is filed on record by the respondent No. 1. Record further shows that rejoinder affidavit to the affidavit in reply filed by the respondent No. 2 is also filed on record.

3. S.O. to 09.09.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 17/2020 in O.A. No. 1072/2019
(Ajit S. Solunke&Anr.Vs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicants in the present M.A., Shri D.R. IralePatil, learned Advocate for respondent No. 1/ applicant in O.A., Shri S.K. Shirse, learned Presenting Officer for the respondent No. 2 and Shri S.D. Dhongde, learned Advocate for respondent No. 3.

2. Learned Advocate for the respondent No. 1 / applicant in O.A. submits that he has received copy of the present Misc. Application today itself and he seeks time for filing affidavit in reply.

3. Learned Presenting Officer for respondent No. 2 and learned Advocate for respondent No. 3 also seek time for filing affidavit in reply.

4. In the facts and circumstances, time is granted for filing affidavit in reply to the respondents.

5. S.O. to 09.09.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 37/2020 in O.A. No. 1072/2019
(Dnyandev L. SuryawanshiVs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri D.R. IralePatil, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent No. 1 and Shri S.D. Dhongde, learned Advocate for respondent No. 2.

2. The present Misc. Applicant is made by the applicant seeking amendment in the O.A. No. 1072/2019.

3. Record shows that during pendency of the O.A., the M.A. No. 17/2020 is made by the interveners and the same is pending for filing affidavit in reply by the respondents therein.

4. Learned Advocate for the applicant submits that the present Misc. Application is made only to bring subsequent developments on record, which occurred during pendency of the O.A., and the said development is relating to the relief sought in the O.A. He submits that due to certain developments and more particularly

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M.A. 37/202 in
O.A. 1072/2019

in view of the interim relief granted by this Tribunal at Nagpur Bench, the proposed amendment is necessary.

5. The case of the applicant is that originally after passing diploma in Electrical; he came to be appointed as Junior Engineer under order dated 15.06.1997 issued by the Chief Engineer. The applicant passed B.E. Electrical degree while in service. The applicant therefore, is entitled for requisite promotion as per the guidelines issued by the State of Maharashtra in G.R. dated 29.11.1984. The respondents however, have not followed the guidelines contained in the said G.R. In view of the same, the applicant filed O.A. seeking relief of direction to the respondents to consider the proposal already received /submitted by the respondent No. 2 and consider the recommendation of the Bakshi Committee, as well as, the High power committees appointed by the P.W.D. vide resolution dated 21.06.2019 and by the Irrigation department dated 01.08.2019 and provide the benefit of 3/8th past service holding the post of Junior Engineer before passing the degree on 27.03.2003 and give proper placement in the seniority list of the Assistant

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M.A. 37/202 in
O.A. 1072/2019

Engineer Grade-II (Mechanic Electric) and subsequently the consequential benefit.

6. It is the contention of the applicant that during pendency of the O.A., letter dated 06.12.2019 was issued by the respondent No. 1 addressed to the Chief Engineer (Mechanical) Water Resource Division, Nashik. The said letter is pertaining to the case of Shri Yogeshwar Narayan Nimbalkar, who has filed O.A. No. 788/2019 and the same is pending before the Nagpur Bench of Maharashtra Administrative Tribunal. The said letter is prejudicial to the interest of the applicant and therefore, he additionally seeks prayer to quash and set aside the same.

7. The present M.A. is pending since long. On going through the proceedings, it appears that the proposed amendment is not going to change the original nature of proceedings and the respondents and even intervener after joining the proceeding will have proper opportunity to deal with proposed amendment by filing affidavit in reply. Hence, we pass following order:-

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M.A. 37/202 in
O.A. 1072/2019

O R D E R

1. The M.A. No. 37/2020 is allowed.
2. The applicant shall carry out the necessary amendment in the O.A. within a period of two weeks.
3. Accordingly, M.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

**M.A. No. 216/2021 in O.A. St. No. 924/2021
(Ashwini A. Wavhal&Ors.Vs. State of Maharashtra &Ors.)**

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri AbhijitThombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learnedPresenting Officer for the respondents.

2. Learned advocate for the applicants submits that there is formal defect in the O.A. filed by the present applicants about the alleged cause of action and all facts have not been pleaded satisfactorily. Therefore, he seeks leave of this Tribunal to withdraw the present M.A. and O.A. with liberty to file a fresh proceeding on same cause of action.

3. Considering the facts and circumstances, the M.A. and O.A. stand disposed of as withdrawn with liberty to file fresh proceeding on same cause of action. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

M.A. No. 62/2020 in O.A. No. 775/2019
(Rajendra N. Shelke&Anr.Vs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicants in the present M.A., Shri D.R. IralePatil, learned Advocate for respondent No. 1/ applicant in O.A., Shri S.K. Shirse, learned Presenting Officer for the respondent No. 2 and Shri S.D. Dhongde, learned Advocate for respondent Nos. 3& 4.

2. Learned Advocate for respondent No. 1 / applicant in O.A., learned Presenting Officer for respondent No. 2 and learned Advocate for respondent Nos. 3 & 4 seek time for filing affidavit in reply. Time granted.

3. S.O. to 09.09.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 33/2020 in O.A. No. 775/2019
(Shashikant S. PatilVs. State of Maharashtra &Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri D.R. IralePatil, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent No. 1 and Shri S.D. Dhongde, learned Advocate for respondent No. 2 & 3.

2. The present Misc. Applicant is made by the applicant seeking amendment in the O.A. No. 775/2019.

3. Record shows that during pendency of the O.A., the M.A. No. 62/2020 is made by the interveners and the same is pending for filing affidavit in reply by the respondents therein.

4. Learned Advocate for the applicant submits that the present Misc. Application is made only to bring subsequent developments on record, which occurred during pendency of the O.A., and the said development is relating to the relief sought in the O.A. He submits that due to certain developments and more particularly

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M.A. 33/2020 in
O.A. 775/2019

in view of the interim relief granted by this Tribunal at Nagpur Bench, the proposed amendment is necessary.

5. The case of the applicant is that originally after passing diploma in Electrical; he came to be appointed as Junior Engineer under order dated 16.10.1998 issued by the Chief Engineer. The applicant passed Bachelor of Technology (Electrical Engineering) degree while in service. The applicant therefore, is entitled for requisite promotion as per the guidelines issued by the State of Maharashtra in G.R. dated 29.11.1984. The respondents however, have not followed the guidelines contained in the said G.R. In view of the same, the applicant filed O.A. seeking relief of direction to the respondents to consider the proposal already submitted by the respondent No. 3 through respondent No. 2 on 22.10.2018 and 26.06.2019 and provide the benefit of 3/8th past service holding the post of Junior Engineer before passing the degree in December 2016 and give proper placement in the seniority list of the Assistant Engineer Grade-II (Mechanic Electric) and subsequently the consequential benefit.

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M.A. 33/2020 in
O.A. 775/2019

6. It is the contention of the applicant that during pendency of the O.A., letter dated 06.12.2019 was issued by the respondent No. 1 addressed to the Chief Engineer (Mechanical) Water Resource Division, Nashik. The said letter is pertaining to the case of Shri Yogeshwar Narayan Nimbalkar, who has filed O.A. No. 788/2019 and the same is pending before the Nagpur Bench of Maharashtra Administrative Tribunal. The said letter is prejudicial to the interest of the applicant and therefore, he additionally seeks prayer to quash and set aside the same.

7. The present M.A. is pending since long. On going through the proceedings, it appears that the proposed amendment is not going to change the original nature of proceedings and the respondents and even intervener after joining the proceeding will have proper opportunity to deal with proposed amendment by filing affidavit in reply. Hence, we pass following order:-

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M.A. 33/2020 in
O.A. 775/2019

O R D E R

1. The M.A. No. 33/2020 is allowed.
2. The applicant shall carry out the necessary amendment in the O.A. within a period of two weeks.
3. Accordingly, M.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.322 OF 2021

(Shri Kantilal K. NaglodVs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri A.A. Khande, learned Advocate for the Applicantand Shri M.P. Gude,learned Presenting Officer for the Respondents.

2. The Applicant is working as Assistant Superintendent at Rural Hospital Bhodegaon, Tal. Shevgaon, Dist. Ahmednagar. The said Rural Hospital comes under Nashik Health Services Division. The Applicant said to have made application dated 22.07.2020 to the Respondent No.3 for considering his request for transfer at Aurangabad. The Respondent No.3 by letter dated 19.03.2021 (Annex. 'A-1') forwarded the proposal to the office of Respondent No.2. The Respondent No.2 in turn wrote the letter dated 04.06.2021 (Annex. 'A-2') to the Respondent No.4 for seeking response as to whether the Applicant can be accommodated in his office. The Respondent No.4 by letter dated 09.06.2021 (Annex. 'A-3') communicated that no objection certificate cannot be given. The said letter is challenged in this application and the Applicant seeks ad-interim relief at this stage in terms of prayer clause XII-(AA) and (BB).

3. Learned P.O. for the Respondents opposes the submissions made on behalf of the Applicant and prayed for issuances of notices.

4. By the prayers of interim relief, the Applicant is seeking stay to impugned order dated 09.06.2021 or in the alternative keep one post of Assistant Superintendent at Aurangabad Division vacant till pendency of the Original Application.

5. The Applicant by challenging the impugned letter dated 09.06.2021, in fact is seeking mandatory relief for his transfer from Rural Hospital, Village Bodhegaon, Tal Shevgaon, Dist. Ahmednagar to Aurangabad. His present posting is under the Division of Nashik Health Services. So he is seeking inter divisional transfer from Nashik Division to Aurangabad Division. By impugned letter dated 09.06.2021, the Respondent No.4 has stated that no objection certificate cannot be issued as so many employees in Aurangabad Division are waiting for their promotion in the cadre of Assistant Superintendent. It is a settled legal principle that the transfer is incidence of normal government service and it cannot be sought for as a matter of right. The grievance of the Applicant can be considered after completion of pleadings and taking hearing of the matter.

// 3// O.A.NO.322/2021

6. Prima-facie, it cannot be said that the Respondent No.4 has exercised discretion vested in him illegally and by contravening any provision of law.

7. In view above, I am not inclined to grant any interim relief at this stage.

8. Hence, issue notices to the respondents, returnable on 30.08.2021.

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

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

11. 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.

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

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O.A.NO.322/2021

13. S.O. to 30.08.2021.
14. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORAL ORDERS 30.07.2021-SAS

ORIGINAL APPLICATION NO.844 OF 2019

(Shri Raviraj R. DarakVs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri VivekBhavthankar, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Record shows that pleadings upto rejoinder are complete.

3. The matter is pertaining to impugned transfer. The matter is admitted and kept for final hearing at the stage of admission. S.O. to 17.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.85 OF 2020

(Satwa N. SangleVs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri S.P. Dhobale, learned Advocate for the Applicant and Shri S. K. Shirse, learned Presenting Officer for the Respondents.

2. S.O. to 10.08.2021. The present case be treated as part heard.
3. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO.230 OF 2020
(Ashwini D. JadhavVs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Affidavit-in-rejoinder filed on behalf of the Applicant is taken on record.
3. At the request of learned P.O., time is granted for filing affidavit-in-sur-rejoinder, if any.
4. S.O. to 23.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.259 OF 2020
(Panchamlal L. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 05.08.2021.

MEMBER (J)

ORAL ORDERS 02.08.2021-SAS

ORIGINAL APPLICATION NO.497 OF 2020

(Shri Bhujang V. Godbole Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

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

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

3. S.O. to 26.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 488 OF 2013
(Dr. Anil R. Joshi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri Milind Patil, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Chief Officer for the respondents.

2. Considering the modified relief now sought by the applicants in view of the decision of the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad dated 26.4.2019 commonly passed in writ petition No. 6261/2017 and the batch of similar nature, we are of the opinion that, if the applicants place on record a precipe mentioning therein the specific period for which the benefit is sought, it would be more suitable and convenient for this Tribunal to pass the appropriate order.

3. S.O. to 18.8.2021 for above compliance from the side of applicants.

4. The present matter be treated as a part heard.

MEMBER (A)

MEMBER (J)

C.P. 23/2020 IN O.A. 769/2018
(Pralhad C. Shelke Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

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

2. Learned C.P.O. has filed affidavit in reply on behalf of respondent no. 1. It is taken on record and copy thereof has been supplied to learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 3.9.2021 for filing affidavit in rejoinder.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 55 OF 2020
(Bhagwan D. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Smt. A.M. Bhange, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Chief Officer for the respondents.

2. Learned Advocate for the applicant has filed rejoinder affidavit of the applicant. It is taken on record and copy thereof has been supplied to other side.

3. In the circumstances, S.O. to 7.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 259 OF 2021
(Megharani P. Tarkase & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri S.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Presenting Chief Officer for the respondents.

2. Learned C.P.O. seeks time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 7.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 264 OF 2021
(Sapna D. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 14.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 282 OF 2021
(Seema S. Jaybhaye Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Chief Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 14.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 324 OF 2021
(Sharad D. Kothawal Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 14.9.2021.

MEMBER (A)

MEMBER (J)

M.A. 32/2021 IN O.A. ST. 138/2021
(Gopal D. Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Chief Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents in the M.A. Time granted.

3. S.O. to 15.9.2021.

MEMBER (A)

MEMBER (J)

M.A. 81/2021 IN O.A. ST. 253/2021
(Sahebrao 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 : 02.08.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents in the M.A. Time granted.

3. S.O. to 15.9.2021.

MEMBER (A)

MEMBER (J)

M.A. 169/2021 IN O.A. ST. 141/2021
(Anil J. Kande & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Chief Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents in the M.A. Time granted.

3. S.O. to 15.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 813/2017
(Nagesh M. Phad Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Shri Vivek Bhavthankar, learned Advocate for the applicants, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 3 and Shri Vijay B. Patil, learned Advocate for respondent no. 4.

2. Arguments of the learned Advocate for the applicant are heard at length. Learned P.O. for respondent nos. 1 to 3 and learned Advocate for respondent no. 4 are yet to start their arguments.

3. S.O. to 9.8.2021 for further hearing. The present matter be treated as a part heard.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 160/2018
(Nilesh P. Bansude Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 844/2018
(Navnath M. Shendekar Vs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

Heard S/shri S.S. Dambe & A.S. Kulkarni, learned Advocates for the applicants in respective cases and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the cases.

2. With consent of both the sides, S.O. to 10.8.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.640 OF 2019
(Shri Pradeep M. KaushikeVs. State of Maharashtra & Ors.)

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

DATE : 02.08.2021

ORAL ORDER :

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

2. Learned Advocate for the Applicant places on record the copy of duplicate service book. The same is taken on record and marked as document 'X' for the purpose of identification.

3. S.O. to 09.08.2021. The preset case be treated as part heard.

MEMBER (J)

Date :02.08.2021

ORIGINAL APPLICATION NO.489 OF 2020

(Shri SubhashOnkarGhodke V/s The State of Maharashtra & Ors.)

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

1. Shri B.R. Waramaa, ld. Advocate for the applicant and Shri M.S. Mahajan, ld. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 02.09.2021. The case be listed for admission hearing on 02.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

I/CREGISTRAR

Date :02.08.2021

ORIGINAL APPLICATION NO.387 OF 2021

(Shri Shankar B. Ghogare V/s The State of Maharashtra & Ors.)

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

1. Shri A.V. Thombre, ld. Advocate for the applicant and Shri M.S. Mahajan, ld. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 06.09.2021. The case be listed for admission hearing on 06.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

I/CREGISTRAR

Date :02.08.2021

ORIGINAL APPLICATION NO.390 OF 2021

(Shri Govind D. Mane V/s The State of Maharashtra & Ors.)

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

1. Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, ld. Advocate for the applicant and Shri M.S. Mahajan, ld. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 06.09.2021. The case be listed for admission hearing on 06.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

I/CREGISTRAR

Date :02.08.2021

**M.A.NO.217 OF 2021 IN M.A.ST.NO.597 OF 2021
IN O.A.ST.NO.598 OF 2021**

**(Shri Vitthal S. Lokhande V/s The State of
Maharashtra & Ors.)**

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

1. Shri V.B. Wagh, ld. Advocate for the applicant and Shri M.S. Mahajan, ld. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 07.09.2021. The case be listed for admission hearing on 07.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

I/CREGISTRAR

Date :02.08.2021

ORIGINAL APPLICATION NO.384 OF 2021

(Shri Shripatrao B. Gaikwad V/s The State of Maharashtra & Ors.)

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

1. Shri V.B. Wagh, Id. Advocate for the applicant and Shri M.S. Mahajan, Id. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 07.09.2021. The case be listed for admission hearing on 07.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

I/CREGISTRAR

Date :02.08.2021

ORIGINAL APPLICATION NO.398 OF 2021

(Shri Vasant R. Medhe V/s The State of Maharashtra & Ors.)

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

1. Shri V.B. Wagh, Id. Advocate for the applicant and Shri M.S. Mahajan, Id. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 08.09.2021. The case be listed for admission hearing on 08.09.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

I/CREGISTRAR