

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

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

Before: - THE HON'BLE SHRI. V.D. DONGRE, MEMBER (J)

And

THE HON'BLE SHRI. BIJAY KUMAR, MEMBER (A)

Date: -28/06/2023

Sr · N o	Case No.	Distri ct	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	OA507/23	A'bad	Adv.Sachin S Deshmukh (Mamta B Ghayal)	Selection Process (MPSC)		04.07.23
Order Matters						
2	MA125/22 In OAS120/22	A'bad	Adv.V.S. Bhale (Gunaji D Rathod)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R- 4 For Filing Affidavit in Rejoinder	28.07.23

High On Board Matters						
Due Admission Matters						
3	OA158/19	O'bad	Adv.G.N. Kulkarni(Mardikar) (Bhagwat M Gaikwad)	Reversion	For Hearing Reply Filed by R-1 & R-2	02.08.23
4	OA177/19	O'bad	Adv.Girish N Kulkarni (Vinodkumar V Swami)	Reversion	For Hearing Reply Filed by R-1 & R-2	02.08.23
5	OA780/21	A'bad	Adv.V.B. Wagh (Dr.Gajanan A Surwade)	Condonatio n of Technical Break	For Hearing	09.08.23
6	OA325/22	A'bad	Adv.Avinash S Deshmukh (Pradeep P Bahekar & Ors.)	Promotion	For Hearing Reply Filed by R-1 & R-2	09.08.23

Final Hearing Matters						
7	OA256/17	A'bad	Adv.A.S. Deshmukh (Rajendra R Londhe)	Dismissal	Reply filed by R-1 to R-4	01.08.23
8	OA669/17	P'bhan i	Adv.Talekar & Associates (Balasaheb B Surwase)	Seletion/ Appointme nt	Reply filed by R-1 to R-3	01.08.23
9	OA817/17	Latur	Adv.Shamsunder B Patil (Dr. Vilas R Musale)	Terminatio n	Reply filed by R-1 to R-3	04.08.23
10	OA514/18	A'nag ar	Adv.Mashesh S Taur (Saheberao G Avhad)	Selection/ Appointme nt	Reply Filed by R-1 to R-3	17.08.23
11	OA674/18	Beed	Adv.I.D. Maniyar (Emam Najir Mirza)	Regularise Probation Period	Reply filed by R-1 to R-4	17.08.23
12	OA690/18	A'nag ar	Adv.Ajay S Deshpande (Pramod A Kulkarni)	Departmen tal Enquiry	Reply filed by R-1	02.08.23

13	OA54/20	Jalna	Adv.Kishor D Khade (Bharatlal T Dhupe)	Appointment	Reply Filed by R-1 to R-4	18.08.23
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Assistant Registrar

Bench at A' bad

M. A. T.

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

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

Divison Bench

**Before: - THE HON'BLE SHRI. V.D. DONGRE, MEMBER (J)
And
THE HON'BLE SHRI. BIJAY KUMAR, MEMBER (A)**

Date: -28/06/2023

For Reply Board

Sr. No	Case No.	Distri ct	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA447/21	Latur	Adv.C.V. Dharurkar (Malile A Gangadhar)	Challenging G.R.	As a Last Chance For Filing Affidavit in Rejoinder	10.08.23
2	OA641/22	Nande d	Adv.H.V. Tungar (Amarsing S Kamthekar)	Major Punishment	As a Last Chance For Filing Affidavit in Reply	10.08.23
3	OA1026/22	Nande		Eligibility/	Await Service	23.08.23

		d	Adv Shamsunder B Patil (Dr. Pradeep V Kendre)	Interview	of Notice	
4	OA1027/22	Hingoli	Adv Shamsunder B Patil (Dr. Sachin O Khakare)	Eligibility/ Interview	Await Service of Notice	23.08.23
5	OA1130/22	Nanded	Adv.V.P. Kadam (Shivaji V Kale & Ors.)	Challenging Govt. Notification	For Filing Affidavit in Reply	11.08.23
6	OA11/23	P'bhani	Adv.V.G. Pingle (Gangadhar K Yelhare) <u>Adv R K Asthekar / D N Gilche For R-6 to R-8</u> <u>Adv A N Nagargoje For R-5</u>	Final Seniority List/ Promotion	For Reply	26.07.23
7	OA34/23	A'bad		Promotion	Reply Filed By	18.08.23

			Adv.S.S. Thombre (Prakash M Shelar)		R- 1 to R-3 & For Filing Affidavit in Rejoinder	
8	OA42/23	Latur	Adv.S.B. Solunke (Ashwini R.Rode)	Appointment	For Filing Affidavit in Reply	18.08.23
9	OA96/23	A'bad	Adv.Kakasaheb B. Jadhav (Nanasaheb B Patait)	Correction in Date of Joining/ Seniority	For Reply	18.08.23
10	OA225/23	Jalgao n	Adv C V Dharurkar (Nilesh B Rathod)	Dismissal From Service	For Reply	21.08.23
11	OA291/23	N'bar	Adv C V Dharurkar (Vikarant R Kachare)	Preliminary Inquiry	Await Service	21.08.23
Order Matters						

12	MA314/22 In OA793/92	O'bad	Adv.Sandip C Swami Chakurkar (Devidas A Jadhav)	M.A. For Restoration of O.S.	Last Chance For Filing Affidavit in Reply	17.08.23
13	MA121/23 In OAS417/23	P'rbn	Adv V G Pingle (Sk. Ayub Sk. Amin)	M.A For Delay Condonation	For Reply	17.08.23
14	MA55/23 In OA982/22	A'bad	Adv A D Sugdare (Dr.Sanjitkumar M Sant)	MA For Direction	For Reply	12.07.23

Bench at A' bad

Assistant
Registrar
M. A. T.

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

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

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -28/06/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Regular Admission Matters						
1	OA501/23	O'bad	Adv.Amol N Patale (Nagnath R Kamble)	Transfer	Circulation	03.07.23
2	OA508/23	A'bad	Adv.V.B. Wagh (Shalini P Bidarkar)	Suspension	Circulation	30.06.23
3	OAS1149/ 23	N'bar	Adv.R.N. Jain (Vishal V Hivare)	Suspension/ Reinstatement	Circulation With Office Objection	
Due Admission Matters						
4	OA554/19	Nanded	Adv.S.B. Pawar (Ashok V Gade) <u>Adv.S.B. Mene for R.Nos.2 & 3</u>	Time Bound Promotion/ ACPS	For Hearing Reply Filed by R-2 & R-3	21.08.23
5	OA643/19	Obad	Adv.R.P. Bhumkar (Majid Ismail Shaikh)	Time Bound Promotion/ Assured Carrier Progress Scheme	For Hearing Reply Filed by R-1 to R-3	21.08.23
6	OA504/21	Nanded		Direction/	Reply filed	18.07.23

			Adv.M.D. Godhamgaonkar (Dilip B Rathod)	Count Earlier Duty Period	by R-1 to R-3	
7	OA730/21	Beed	Adv.Kakasaheb B Jadhav (Imronoddin E Shaikh & Ors.)	Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-1 to R-3	07.08.23
8	OA147/22	P'bhani	Adv.J.B. Choudhary (Bhaskar D Nelte)	Leve Encashment	Reply Filed by R-2 & R-3	18.08.23
9	OA285/22	A'bad	Adv.M.A. Golegaonkar (Shashikant D Guntootkar)	Fixation of Pay & Other Pensionary Benefits	For Hearing	18.08.23
10	OA593/22	Beed	Adv.S.B. Solanke (Shaikh Zubair Shaikh Mahemood)	Compassionate Appointment (Lad Page Samiti)	For Hearing Reply Filed by R-1 to R-3	25.07.23
11	OA596/22	Latur	Adv.Manoj U Shelke (Kantabai B Phad) <u>Adv. M.A. Golegaonkar for R.No.5</u>	Family Pension & Other Benefits	For Hearing Reply Filed by R-2 to R-4	08.08.23
12	OA682/22	Beed	Adv.S.R. Shirsath (Bhimrao N Doiphode)	Re Fixation of Pay Scale & Arrears of Salary	For Hearing	21.08.23
13	OA760/22	N'bar	Adv.Kakasaheb B Jadhav (Hitesh S Vispute) <u>Adv. Yogesh M Patil For R.No.4</u>	Compassionate Appointment	For Hearing	08.08.23

14	OA850/22	Jalna	Adv.S.B. Solanke (Shaikh Jameer Shaikh Manjur)	Compassionate Appointment (Lad Page Samiti)	For Hearing Reply Filed by R-2	25.07.23
15	OA879/22	Hingoli	Adv.H.P. Jadhav (Janabai B Gadade)	Police Patil	For Hearing	21.08.23
16	OA974/22	O'bad	Adv.Kiran G Salunke (Rahul K Gaikwad)	Minor Punishment	For Hearing Reply Filed by R-4	21.08.23

17	OA1108/22	A'bad	Adv.K.B. Jadhav (Rajendra T Dawange)	Couting of Temmporary Service For ACPS Benefits	For Hearing	09.08.23
Final Hearing Matters						
18	OA502/17	Nanded A'nagar	Adv.A.S. Deshmukh (Public Prosecutors Association, Maharashtra State, Through its President & Vice President)	Special Allowances	Reply Filed by R-1 to R-3	28.08.23
19	OA712/18	A'bad	Adv.Deepak K Rajput (Sandipan A Gavali)	Leave/ Deemed Date of Promotion	Reply filed by R-3, R- 4 & R-6	07.08.23
20	OA879/18	Beed	Adv.Shamsunder B Patil (Balasaheb M Kaldate)	Interest on Delayed Payment	Reply Filed by R-1 to R-2	07.08.23
21	OA102/19	J'gaon		Time Bound	Reply Filed	21.08.23

			Adv.R.P. Bhumkar/ Adv.V.V. Gujar (Vishvas S Thore) <u>Adv.S.D. Dhongde</u> <u>For R.Nos. 2 & 3</u>	Promotion/ ACPS	by R-1 to R-3	
22	OA208/19	P'bhani	Adv.R.P. Bhumkar/ Adv.V.V. Gujar (Bhaskar P Dole & Ors.) <u>Adv.Nandkishor U</u> <u>Yadav for R.No.4</u>	Time Bound Promotion/ ACPS/ Benefit as Per G.R.	Reply Filed by R-1 to R-4	21.08.23
23	OA323/19	Nanded	Adv.Shamsunder B Patil (Jairam V Mitke)	Pension & Retirement Benefits	Reply Filed by R-1 to R-4	07.08.23
24	OA416/19	O'bad	Adv.R.P. Bhumkar (Arjun M Maskar & Ors.) <u>Adv.S.D. Dhongde for</u> <u>R.Nos.2 & 3</u>	Time Bound Promotion/ ACPS/ Higher Pay Scale/ Benefit as per G.R.	Reply Filed by R-1 to R-2	21.08.23

25	OA384/21	A'bad	Adv.V.B. Wagh (Shripatrao B Gaikwad)	Pension & Pensionary Benefits	Reply Filed by R-1 to R-4	10.07.23
26	OA615/21	Jalna	Adv.V.G. Pingle (Dr.Godavari M Vaidya)	Absorptiton	Reply Filed by Respondent	25.08.23
27	OA732/21	Jalna	Adv.Kakasaheb B Jadhav	Recovery/ Refund of Amoount	Reply Filed by R-1 to R-3	08.08.23

			(Dashrath D Jadhav)			
28	OA750/21	A'nagar	Adv.A.J. Patil/ Adv.Kakasaheb B Jadhav (Subhash B Choudhary)	Pension & Pensionary Benefits	Reply Filed by R-1 & R-2	25.08.23

Assistant
Registrar
M. A. T.

Bench at A' bad

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

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

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -28/06/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA395/22	Latur	Adv.S.D. Joshi (Rajkumar V Ugile) <u>Adv.G.N. Patil For R-6</u> & <u>Adv A S Reddy For R-6</u>	Recovery/ Refund of Amount	For Filing Affidavit in Reply	19.07.23
2	OA406/22	Nanded	Adv.B.R. Kedar (Pandit K Pawar & Ors.)	Deemed Date of Promotion	For Filing Affidavit in Reply	19.07.23
3	OA541/22	Beed	Adv A R Gunge (Khiluba B Sarak) <u>Adv P D Suryawanshi</u> <u>For R.Nos.2 & 5</u>	Pension & Pensionery Benefits	For Filing Affidavit in Reply R-1, 3 & R- 4 <u>Ref Order</u> <u>Dtd.</u> <u>20.10.2022</u>	20.07.23
4	OA758/22	Beed	Adv B R Kedar (Vasant N Phad)	Benefit of Time Bound Promotion	For Filing Affidavit in Reply	25.07.23
5	OA775/22	Nanded	Adv.A.B. Rajkar (Satish P Deshmukh)	Benefit of Old Pension	For Filing	20.07.23

				Scheme	Affidavit in Rejoinder	
6	OA846/22	A'bad	Adv.A.D. Gadekar (Sadashiv M Sawai)	Refund of Recovered Amount	For Filing Affidavit in Reply	24.07.23
7	OA847/22	Latur	Adv.A.D. Gadekar (Keshav G Lohar)	Refund of Recovered Amount	For Filing Affidavit in Reply	24.07.23

8	OA1033/22	A'bad	Adv.Sanjay N Pagare (Abhishek K Zine)	Compassionate Appointment	For Reply	27.07.23
9	OA1034/22	A'bad	Adv.Sanjay N Pagare (Sukha L Sathe)	Payment of Salary	For Reply	27.07.23
10	OA97/23	Latur	Adv Vivek G Pingle (kailash V Udate)	Benefits of T.B.P	For Filing Affidavit in Reply	25.07.23
11	OA168/23	Beed	Adv.S.S. Thombre (Ishwar V Dahiphale)	Direction/ Back Wages of Termination Period	Await Service	21.07.23
12	OA213/23	Nanded	Adv V G Pingle (Chandrakant K Awachar)	Transfer	For Filing Affidavit in Reply	14.07.23
13	OA219/23	Nanded	Adv M V Ghatge/ Adv M S Taur (Pathan Haider Ali Khan Umarchan)	Pay Fixation/ Recovery	Await Service	21.07.23

14	OA238/23	Beed	Adv S B Solanke (Shaikh Mukhtar Shaikh Chand)	Compassionate Appoitment (Lad- Paage)	For Reply	25.07.23
15	OA257/23	P'rbn	Adv S B Solanke (Karima Begum Shaikh Daud)	Compassionate Appointmen t	Reply Filed By R-2 & R-3	25.07.23
16	OA283/23	Beed	Adv S S Dambe (Anil S Patekar)	Recovey	Await Service	21.07.23
17	OA382/23	Dhule	Adv Kakasaheb B Jadhav (Kiran P Choudhary)	Transfer	For Reply	18.07.23
18	OA393/23	A'bad	Adv Kiran G Salunke (Shivaji G Wadje)	Transfer	Await Service	07.07.23
19	OA396/23	A'bad	Adv S S Shinde (Madhavi S Harne)	Transfer	Await Service R-2	03.07.23
20	OA423/23	N'bar	Adv Rakesh N Jain (Niketa B Nayak)	Transfer	For Reply	14.07.23
21	OA424/23	N'bar	Adv Rakesh N Jain (Lahu M Chavan)	Transfer	For Reply	14.07.23
Order Matter						
22	MA295/22 In OAS910/2 2	P'bhan i Hingoli	Adv.V.G. Pingle (Nanda S Nagare & Ors.)	M.A. For Condonatio n of Delay	For Filing Affidavit in Reply	25.07.23

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Bench at A' bad

Assistant
Registrar
M. A. T.

ORIGINAL APPLICATION NO. 507 OF 2023

(Mamta B. Ghayal Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.06.2023

ORAL ORDER :

Heard Shri Sachin Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 04.07.2023.

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 04.07.2023.

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

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 28.06.2023.

**Review No. 03/2023 in O.A. No. 773/2022
(Mangala V. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. This Review Application is made seeking review of the order dated 13.06.2023 passed in M.A. No. 173/2023 in O.A. No. 773/2022.
3. It is submitted that in para No. 3 of the order dated 13.06.2023, para No. 2(4)(A) of resolution portion of G.R. dated 30.08.2018 was required to be incorporated. However, inadvertently para No. 2 of the introductory part of the said G.R. is reproduced.
4. Considering the controversy involved in the matter, relevant portion of the said G.R. was para No. 2(4)(A) of the resolution part and not the para No. 2 of the introductory part of the G.R. dated 30.08.2018.

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5. In view of the same, the order dated 13.06.2023 passed in M.A. No. 173/2023 in O.A. No. 773/2022 is reviewed and para No. 2 of the introductory part of the G.R. dated 30.08.2018 is deleted and replaced by the contents of para No. 2(4)(A) of resolution part of the G.R. dated 30.08.2018, which is as follows :-

“२(४)अ) विभागीय चौकशीच्या कार्यवाहीस खूप विलंब लागू नये यासाठी विभागीय पदोन्नती समितीच्या बैठकीच्या दिनांकानंतर सहा महिन्यांनी नियुक्ती प्राधिकारी यांनी मोहोरबंद पाकीटात ठेवलेल्या पदोन्नती प्रकरणाचे पुनर्विलोकन करावे. या अनुषंगाने नियुक्ती प्राधिकारी संबंधित अधिकारी /कर्मचा-याची शिस्तभंगविषयक /न्यायालयीन कार्यवाहीची सद्यःस्थिती जाणून घेईल.”

6. Learned Advocate for the applicant seeks to complete process of review of sealed packet within stipulated period. For that purpose, six weeks' time is fixed for completion of process as per rules from today.

7. In view of above, the Review Application stands disposed of without any order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1027 OF 2022
(Dr. Sachin O. Khakare Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2023

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof has been served on the other side.

3. Await service of notice upon the respondents.

4. S.O. to 23.08.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 447 OF 2021
(Malile A. Gangadhar Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2023

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted as one more last chance for filing rejoinder affidavit.

3. S.O. to 10.08.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 641 OF 2022
(Amarsing S. Kamthekar Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2023

ORAL ORDER :

Heard Shri H.V. Tungar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 10.08.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 11 OF 2023
(Gangadhar K. Yelhare Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2023

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri D.N. Gilche, learned Advocate for respondent Nos. 6 to 8. Shri A.N. Nagargoje, learned Advocate for respondent No. 5, **absent**.

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

3. S.O. to 26.07.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1130 OF 2022
(Shivaji V. Kale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2023

ORAL ORDER :

Heard Shri V.P. Kadam, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.
3. S.O. to 11.08.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 314/2022 in O.A. No. 793/1992
(Devidas A. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2023

ORAL ORDER :

Heard Shri S.C. Swami Chakurkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents in M.A.

3. S.O. to 17.08.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 55/2023 in O.A. No. 982/2022
(Dr. Sanjtkumar M. Sant Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2023

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents in M.A., failing which hearing will take place.

3. S.O. to 12.07.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 42 OF 2023
(Ashwini R. Rode Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2023

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Learned Advocate Shri Jagdish K. Bansod, filed **VAKALATNAMA** on behalf of respondent No. 3 and he has also filed affidavit in reply on behalf of respondent No. 3. Same are taken on record and copy of the said affidavit in reply has been served on the other sides.

3. At the request of learned P.O., time is granted for filing affidavit in reply on behalf of respondent Nos. 1 and 2.

4. S.O. to 18.08.2023.

MEMBER (A)

MEMBER (J)

DATE : 28.06.2023

ORIGINAL APPLICATION NO.506/2023

(Valmik Agatrao Koli Vs. The State of Maha. & Ors.)

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

1. Shri S.B.Solanke, learned Advocate for the applicant and Shri I.S.Thorat, learned P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **17.07.2023**. The case be listed for admission hearing on **17.07.2023**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

DATE : 28.06.2023

ORIGINAL APPLICATION NO.510/2023

(Rajendra Vasantrao Marale Vs. The State of Maha. & Ors.)

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

1. Shri K.G.Salunke, learned Advocate for the applicant and Shri I.S.Thorat, learned P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on **17.07.2023**. The case be listed for admission hearing on **17.07.2023**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

DATE : 28.06.2023

ORIGINAL APPLICATION NO.511/2023

(Shankar Walmik Kale Vs. The State of Maha. & Ors.)

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

1. Shri O.D.Mane, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **17.07.2023**. The case be listed for admission hearing on **17.07.2023**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

**ORIGINAL APPLICATION NO. 423 OF 2023
(Niketa Bhuresing Nayak Vs. State of
Maharashtra & Ors.)**

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

DATE : 28.6.2023

ORAL ORDER :

Shri R.N. Jain, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 & 3 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. List the matter for hearing on 14.7.2023.

VICE CHAIRMAN

ORAL ORDER 28.6.2023-HDD

**ORIGINAL APPLICATION NO. 424 OF 2023
(Lahu Manikrao Chavan Vs. State of Maharashtra
& Ors.)**

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

DATE : 28.6.2023

ORAL ORDER :

Shri R.N. Jain, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 & 3 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.
3. List the matter for hearing on 14.7.2023.

VICE CHAIRMAN

ORAL ORDER 28.6.2023-HDD

ORIGINAL APPLICATION NO. 393/2023
(Shri Shivaji G. Waige Vs. the State of Maharashtra & Ors.)

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

DATE : 28.6.2023

ORAL ORDER :

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

2. After issuance of notice today was the first date fixed in the matter for filing affidavit in reply by the respondents. The learned Chief Presenting Officer has sought time to file affidavit in reply stating that draft reply is already forwarded for approval.

3. The learned counsel for the applicant submitted that in the counselling the applicant has insisted for posting at Nanded since three years period is remained for his retirement and he has to discharge certain family responsibilities like marriage of his daughter etc. The learned counsel submitted that no one has been posted at Nanded and said post is vacant. The learned C.P.O. at this stage submitted that the applicant has not joined on transferred place when he has been relieved way back on 31.5.2023. Thereupon, learned counsel

submitted that applicant would join at the transferred place day after tomorrow i.e. on 30.6.2023. The learned counsel in the circumstances has prayed for interim directions against the respondents to keep the post at Nanded vacant. The said request is opposed by the learned C.P.O.

4. It has to be stated that the Tribunals cannot encroach upon the powers of the administrative authorities by giving such mandatory directions. However, if the affidavit in reply is received from the respondents the matter can certainly be considered on merits and if ultimately it is noticed that the applicant has made out a case, certain order can finally be passed. The matter, therefore, be posted on 7.7.2023 for filing affidavit in reply by the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 1149/2023
(Shri Vishal V. Hivare Vs. the State of Maharashtra & Ors.)

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

DATE : 28.6.2023

ORAL ORDER :

Heard Shri Aryan Jain, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, the learned counsel for the applicant submitted that applicant will prefer an appeal against the order of suspension before the appellate authority and in the circumstances, sought leave to withdraw the present O.A. for pursuing the said remedy. In view of the submissions so made the following order is passed: -

ORDER

1. The Original Application stands disposed of since withdrawn. It is clarified that if would be open for the applicant to approach this Tribunal if he has any grievance against the order passed by the Appellate Authority.

2. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 508/2023
(Smt. Shalini P. Bidarkar Vs. the State of Maharashtra & Ors.)

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

DATE : 28.6.2023

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 30.6.2023 for taking instructions from the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 501/2023
(Shri Nagnath R. Kambale Vs. the State of Maharashtra & Ors.)

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

DATE : 28.6.2023

ORAL ORDER :

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

2. The applicant has been transferred from Osmanabad to Beed. It is the grievance of the applicant that his parents are having some ailment and more particularly his father is suffering from paralysis and his treatment is being done at Dr. Kasbe's Multi Specialty Hospital at Ausa, District Latur. Learned counsel for the applicant submitted that though the applicant is due for transfer since he has completed the tenure of about 5 years at Osmanabad, he has made a representation before transfer orders are issued seeking retention for one year on the ground of sickness of his father by paralysis. The learned counsel further submitted that even after the transfer orders are issued one more representation is made by the applicant

seeking his transfer at Latur where the post is vacant so that he can conveniently get treatment for his father. The learned counsel submitted that in spite of the aforesaid difficulties ignoring the said difficulties, the applicant has been transferred at Beed. Learned counsel in the circumstances, has prayed for stay to the order of transfer till decision of the present O.A.

3. Shri M.S. Mahajan, learned C.P.O. has opposed for grant of any interim relief. Learned C.P.O. submitted that one Mr. D.S. Chame has already given posting in place of the applicant and he has been relieved from the existing post. The learned C.P.O. submitted that the Government servant has to first obey the order of transfer and it is always open for him to make a representation which can be considered by the authorities. The learned C.P.O. in the circumstances, opposed for interim relief and prayed for time for filing affidavit in reply by the respondents.

4. I have duly considered the submissions made on behalf of the applicant and the respondents. I have also gone through the documents placed on

record by the applicant which documents pertaining to the illness of the parents of the applicant. The applicant is seeking his transfer at the place near to AUSA, so that he can conveniently get the treatment to his father who is suffering from paralysis. As mentioned in the application the applicant alone is owing the responsibility of his parents. The representation made by the applicant is also filed along with O.A.

5. There appears prima-facie substance in the request made by the applicant seeking his transfer at some place near to AUSA where posts are vacant. However, it has to be stated that when in the annual general transfers the transfers are made the Government servant is expected to join at the transferred place and thereafter to make a representation. If the difficulties are genuine the representations are normally considered by the competent authorities. Without consideration of the said representation by the competent authorities the Tribunal cannot directly usurp the power of the said authorities. It has to be further stated that if the grievance is not appropriately redressed and if it is

noticed that there are mala fides in not considering the request of the applicant, the Tribunal can certainly intervene. However, since one D.S. Chame has been transferred in place of the applicant and he has been already relieved from his existing post, it may not be proper at this juncture to stay the effect and operation of the impugned order. The applicant has already made a representation. The respondents are directed to consider the said representation of the applicant and more particularly by considering the reason of ailment of his father which is one of the preferred grounds for considering such request.

6. Learned counsel for the applicant submits that the post at Latur on which Shri Chame was working is vacant and according to the instructions of the applicant no one has claimed the said post. If it be so the learned C.P.O. shall take instructions and make a statement on 3.7.2023 so that further request made by the applicant can be considered.

7. With the observations as above issue notice to the respondents, returnable on 3.7.2023.

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

9. 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.

10. 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.

11. 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.

12. S.O. to 3.7.2023.

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

VICE CHAIRMAN