

**M.A. No. 73/2021 in O.A. St. No. 1245/2020
(Balkrishna M. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

By this Misc. Application, the applicant is seeking condonation of delay of about 2735 days caused in filing the accompanying O.A. under section 19 of the Administrative Tribunals Act, 1985 seeking relief of second benefit under Modified Assured Career Progression Scheme (MACP) due to him on 01.10.2006 as per the G.R. dated 01.04.2010 (Annexure A-4 in O.A.)

2. Initially the applicant came to be appointed as Fisheries Enumerator on 12.06.1980. As per the order dated 15.03.1995, he was promoted to the post of Senior Clerk. As per the G.R. dated 08.06.1995 in respect of first time bound promotion by the order dated 16.10.1996 (Annexure A-2 in O.A) the applicant was granted first time bound promotion w.e.f. 01.10.1994. By the subsequent G.R. dated 20.07.2001, the time bound promotion was replaced by Modified Assured Career Progression Scheme. The second time bound promotion is declared as per the G.R. dated 01.04.2010. The applicant was due for getting the second time bound promotion on or about 01.10.2006. However, after

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issuance of the G.R. dated 01.04.2010, the second time bound promotion was not granted to the applicant. It is a matter of record that by the order dated 16.07.2008 (Annexure A-3 in O.A.), the applicant was promoted as Fisheries Inspector. The applicant, however, by the application dated 17.07.2008 declined his promotion on his health ground.

3. As no second time bound promotion was granted to the applicant as a beneficiary in the list dated 01.10.2011, the applicant made representation dated 27.02.2012 (part of Annexure A-2 collectively in M.A.). The same was not considered. He made subsequent representation dated 03.12.2019 (part of Annexure A-2 collectively in M.A.). However, the same was also not considered. The applicant filed the accompanying O.A. along with the present delay condonation application on or about 18.11.2020. There is delay in filing the accompanying O.A. Meanwhile, due to health reason the applicant took voluntary retirement in the year 2013. The delay is of technical nature. In fact, there is recurring cause of action. No negligence can be attributed on the part of the applicant, as the applicant is suffering from health and domestic issues. Hence, the present Misc. Application.

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4. The affidavit in reply is filed on behalf of respondent Nos. 1 and 2 by one Smt. Hruta Ashok Dixit, working as the Regional Deputy Commissioner, Fisheries, Aurangabad, District Aurangabad, thereby she denied all the adverse contentions raised by the applicant in the present M.A. According to her, no sufficient cause has been shown by the applicant for condonation of delay. It is denied that there is recurring cause of action. In fact, the applicant has slept over his right. The applicant is not entitled for second time bound promotion in view of his denial of promotion to the post of Fisheries Inspector. Hence, the present Misc. Application is liable to be dismissed.

5. We have heard the arguments advanced by Shri R.A. Joshi, learned Advocate for the applicant on one hand and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities on the other hand.

6. Considering the documents on record, it is evident that the cause of action for filing the present Original Application arose initially when the concerned G.R. dated 01.04.2010 was issued or at least as on 01.10.2011 when the applicant found that his name was not there in the list of the employees getting second time bound promotion. Thereafter within a period of one year

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the applicant has made representation dated 24.02.2012, which was within one year from 01.10.2011. In view of the same, the delay is to be reckoned after period of one and half years from 01.10.2011 when the delay is to be computed from 01.04.2013 to 18.11.2020, which is about seven and half years. In our considered opinion, prima-facie, we are required to look into the aspect as to whether the applicant would be entitled for second time bound promotion and what would be effect on his rights, when he declined the promotion to the post of Fisheries Inspector on 17.07.2008. At least this limited issue is required to be considered.

7. In the circumstances, refusing to condone delay is likely to defeat the cause of justice at the threshold. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. No doubt some negligence can be attributed on the part of the applicant in moving the Tribunal in time. However, in the interest of justice, in our considered opinion, it would be just and proper to condone delay by imposing the moderate costs of Rs. 1000/- (Rs. One Thousand Only) on the applicant. Hence, we proceed to pass following order:-

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ORDER

The Misc. Application No. 73/2021 is allowed in following terms:-

- (i) The delay of 2735 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1000/- (Rs. One Thousand Only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal by the applicant within a period of one month from the date of this order.
- (ii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1070/2019
(Suryabhan Nagre Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Shri VG Salgar, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present. Shri US Mote, learned counsel for respondent no. 3 (**absent**).

2. The learned counsel for the applicant has tendered across the bar the rejoinder affidavit. It is taken on record and copy thereof has been supplied to learned PO.

3. S.O. to 3.1.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO. 298/2020
(Ramraje Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 3.1.2023 for reporting compliance of the order dated 21.1.2021.

VICE CHAIRMAN

ARJ ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO. 567/2017
(Bebabai Koli (Sapkale) Vs. State of Maharashtra &
Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri Vinod Patil, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Though one more last chance was granted to the applicant to file rejoinder, the same is not filed on record. The learned counsel for the applicant has sought further more time for filing rejoinder.

3. S.O. to 3.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO. 638/2021
(Ganesh Admankar Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri VG Pingle, learned counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Shri GN Patil, learned counsel for respondent no. 3, are present.

2. The learned counsel for the applicant has tendered across the bar the rejoinder affidavit. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 31.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO. 687/2021
(Vipul Bhagwat Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri ID Maniyar, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19.1.2023 for filing rejoinder affidavit by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO. 1065/2022
(Smt. Ujjwala Laxman Wankar Vs. State of
Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities.

2. The order dated 29.11.2022 whereby the applicant has been transferred from the post of Deputy Commissioner of Police, Aurangabad City to the post of Commandant, SRPF Group-3, Jalna, has been assailed by the applicant in the present OA on various grounds. Another order passed on 29.11.2022, whereby respondent no. 4 has been transferred on the place of the applicant has also been challenged.

3. The learned counsel for the applicant taking me through the provisions of section 22N of the Maharashtra Police Act, 1951 submitted that the normal tenure of any Police Officer at one post or Police Station is of 2 years. The learned counsel submitted that the applicant was transferred on the present post of Deputy Commissioner of Police, Aurangabad on 21.9.2021 and is thus entitled to remain on the said post for next 2

years i.e. up to 21.9.2023. The learned counsel brought to my notice that the Police Officers can be midterm transferred before completing normal tenure, only for the reasons and under the circumstances provided in section 22N itself.

4. The learned counsel for pointed out that in the impugned order, though, the applicant is stated to have been transferred by invoking power under proviso to sub-section (2) of Section 22N of the Maharashtra Police Act, in the case of the applicant there is no possibility of having any such circumstance in existence for the reason that few months before the Director General of Police, Maharashtra State has awarded the 'D.G. Insignia Award' to the applicant appreciating the work done by her in the year 2021.

5. The learned counsel further pointed out that the applicant has every reason to believe that only for accommodating respondent no. 4 at her place she has been illegally transferred. The learned counsel submitted that respondent no. 4 was transferred on the post of Commandant, SRPF Group-3, Jalna on 7.11.2022 and within 3 weeks has been brought back at Aurangabad on the post of the applicant. The learned counsel submitted that respondent no. 4 prior to his

transfer at Jalna was at Aurangabad for full tenure up to 4.11.2022 and is being again brought back to Aurangabad within a very short period of 3 weeks. The learned counsel further submitted that this circumstance is sufficient to show his influence on the Government Administration.

6. The learned counsel submitted that the transfer order has not been yet served upon the applicant and she came to know about it because of the whatsapp message sent to her in that regard. He added that the applicant is still holding the charge of her existing post and is not relieved from the said post.

7. The learned counsel for the applicant further submitted that till date the applicant has not been served with any such notice, memo or any other correspondence to the effect that there is any serious complaint against her or that she had committed certain irregularities or has created some law & order problem. In the circumstances, according to the learned counsel reason as has been stated in the impugned order may not be substantiated by the respondents even during course of hearing of this matter. In the circumstances, the learned counsel has prayed for interim relief while issuing notice to the respondents restraining respondents from giving effect to the orders dated

29.11.2022 which are impugned in the present OA until further orders.

8. The learned Presenting Officer has opposed the submissions made on behalf of the applicant. He has tendered across the bar the copy of the order dated 30.11.2022 evidencing that in pursuance of the order dated 29.11.2022 the respondent no. 4 has been allowed to report at the transferred place and has been given charge of the Deputy Commissioner of Police, Zone-1, Aurangabad. The another order which is of the even date demonstrates that the applicant has been relieved from the existing post Before Noon. The documents so tendered by the learned PO are taken on record.

9. On production of aforesaid documents on record the learned counsel brought to my notice that having regard to outward numbers to the orders, which are placed on record, it is evident that before passing the order relieving the applicant from her existing post the respondent no. 4 has been allowed to take charge of the said post. The order whereby respondent no. 4 is allowed to take charge of the subject post the outward no. is 14155, wherein the order whereby applicant is alleged to have relieved from the said post bears outward no. 14156.

10. The learned PO further submitted that the impugned order whereby the applicant has been transferred from her existing post to Jalna has been issued with the approval of the highest competent authority. The learned PO pointed that in the order itself that has been mentioned. The learned PO submitted that in due course further information may come on record and in the circumstances without having such information on record and without giving time to the respondents for filing the affidavit in reply to the contentions raised in the OA it would be unjust and improper to grant any interim relief as has been prayed by the applicant.

11. The learned PO also contended that in view of the orders, which are placed on record now by the respondents, when applicant has already been relieved from her post even otherwise the interim relief as has been prayed by the applicant cannot be granted in her favour. The learned PO in the circumstances while praying for time for submitting the affidavit in reply on behalf of the respondents prayed for declining the request made by the applicant for grant of interim relief.

12. I have given due consideration to the submissions advanced on behalf of the applicant, as well as, the

respondents. I have gone through the pleadings in the OA and perused the documents filed on record. The impugned order has been admittedly issued by invoking power under proviso to sub-section 2 of section 22N of the Maharashtra Police Act. The said proviso reads thus :-

“22N(2) In addition to the grounds mentioned in sub-section (1), in exceptional cases, in public interest and on account of administrative exigencies, the Competent Authority shall make mid-term transfer of any Police Personnel of the Police Force :

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

13. Who can be said to be highest competent authority is not specifically prescribed in the provisions under the Maharashtra Police Act. Section 22N however provides as to who are the competent authorities for the Police Officers of the respective rank. As per the said provision insofar as the present applicant is concerned the Hon'ble Home Minister of the State is the competent authority. In absence of any further concrete information as to who can be said to be the highest competent authority for time being we may presume that the impugned order has been passed with the approval of the competent authority as prescribed.

14. It is undisputed that the applicant has not completed her tenure on the present post since she has resumed charge of the said post on 21.9.2021. It is thus evident that her transfer has been ordered before completing the normal tenure on the said post. Since the transfer has been ordered in the midst of the academic year, it also can be said to be a midterm transfer. Proviso below sub-section (1) of section 22N speaks about the circumstances on the basis of which the State Government may transfer any Police Personnel prior to completion of normal tenure. Sub-section (2) of section 22N provides that in addition to the grounds mentioned in sub-section (1), in exceptional cases, in public interest and on account of administrative exigencies, the Competent Authority shall make mid-term transfer of any Police Personnel of the Police Force.

15. Proviso below sub-section (2) of section 22N is reproduced hereinabove. In the present matter the concern is with the said provision for the reason that the impugned order has been passed invoking the said provision. From the documents which are filed on record at present there is no reason to disbelieve the facts stated on behalf of the applicant that respondent No. 4 who was transferred at Jalna in the month of November, 2022 and who did not resume a charge of the

said post has been brought back on the post of applicant within 3 weeks of the said order. It is evident that the applicant has been transferred before completing her normal tenure on the existing post.

16. Aforesaid two instances apparently show that accusations made by applicant in her application do possess some substance. However, next question arises whether relief as has been asked by the applicant by way of interim relief can be granted in her favour at this juncture ?. Though it has been submitted by the applicant that she has not yet been served with the order and has not been relieved from the said post the documents which are tendered during hearing of the present matter by the learned P.O. reveal the contrary facts. It further appears to me that when the impugned order whereby the applicant has been transferred to Jalna has been passed invoking proviso to sub-section (2) of section 22N of the Maharashtra Police Act, the respondents need to be given some time to place on record the circumstances which necessitated the transfer of the present applicant vide the impugned order.

17. In the order of transfer it is not necessary to elaborate the reasons or to disclose in detail the grounds

with all necessary particulars. Possibility that the reasons may have been recorded by the competent authority before approving the impugned transfer cannot be ruled out. It cannot be ignored that proviso to sub-section (2) of section 22N gives power to the authority to invoke the said power in case of any serious complaint, irregularity and law and order problem. Unless the opportunity is given to the respondents to explain the circumstances which necessitated the transfer of the applicant it would be unjust and improper or may amount to haste to grant any interim relief as has been prayed by the applicant. In the circumstances, at present I am only inclined to issue notices to the respondents. However, I am also not rejecting the request of interim relief at this juncture and the said issue is kept open to be agitated after the affidavit in reply is filed by the respondents. Having regard to the nature of the application I hope that affidavit in reply will be filed by the respondents within shortest possible period and no further adjournment will be sought on that ground. Hence, the following order: -

ORDER

1. Issue notice to respondents, returnable on 9.12.2022.

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

3. 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.

4. 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.

5. 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.

6. The respondents shall produce relevant record along with affidavit in reply.

7. S.O. to 9.12.2022.

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

VICE CHAIRMAN

ARJ ORAL ORDER 30.11.2022

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

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

DATE : 30-11-2022

ORAL ORDER :

Heard Shri Shamsundar B. Patil, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. Applicant has sought following relief:

“(B) The order No.SEN/SER-2/208-19/143 dated 1 April 2019 issued by the Superintending Engineer, Public Works Circle Nanded and the Office Order No.36 dated 2-5-2019 issued by the Executive Engineer, Public Works Division, Parbhani may kindly be quashed and set aside.”

3. Applicant has filed the present O.A. aggrieved by order dated 02-05-2019 passed by respondent no.5 whereby he has directed recovery of the amount of Rs.38,774/- from the monthly payment being received by the present applicant in 9 equal installments of Rs.3877/- and 10th installment of Rs.3881/-. Recovery has been directed alleging that on account of omission/inaction/dereliction in duty

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on part of the applicant, excess retiral benefits have been remitted in favour of one Mohammed Ali Mohammed Maheboob, who retired from the post of Driver.

4. Learned Counsel for the applicant submitted that the impugned order has been passed and the liability of an amount of Rs.38,774/- has been fixed on the applicant without conducting any enquiry in that regard. Learned Counsel submitted that before passing the said order a show cause notice was served on the applicant on 26-12-2018 containing the same allegations that the applicant was responsible for the excess payment which has been made to the retired Driver, namely, Mohammad Ali. Learned Counsel submitted that, to the said notice, applicant has given a detail reply denying all the allegations made against him. Learned Counsel submitted that in view of the denial of allegations by the present applicant, it was incumbent on the part of the respondents to conduct a regular departmental enquiry against the applicant before imposing any liability on the applicant.

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5. Learned Counsel further submitted that, in fact, by that time the applicant had also retired from the Government service on attaining age of superannuation on 31-08-2016. Learned Counsel submitted that in the circumstances even otherwise no recovery could have been directed from the monthly pension of the applicant. Learned Counsel for the applicant prayed for allowing the O.A. in terms of prayer clause B.

6. Respondents have filed affidavit in reply denying the contentions raised in the O.A. The defence which is relevant for the decision of the present O.A. is noted in paragraphs 7, 8 and 10 of the affidavit in reply filed by the respondents, which read thus:

“07. As regard to the contents of Para No.VI (iv) of the Original Application, I say that the contents of this para are not true and correct and hence denied by the present respondents. It is specifically denied that Mr. Mohammed Ali Mohammed Maheboob requested to prolong the recovery of excess payment by showing reason of “performing marriage of his daughter”. In fact the applicant arbitrarily without having powers had prolonged the recovery of excess payment. Therefore, he was held personally

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liable for recovery of the amount of Rs.38,774/- which is 50% of total amount which would be recovered from the salary of Mr. Mohammed Ali Mohammed Maheboob, prior to 14 months of his retirement.

08. *As regard to the contents of Para No.VI (v) of the Original Application, I say that the respondent forwarded pension case along with 'Excess Payment Certificate' but the fact of excess payment of Rs.77,547/- was not brought to the notice by the applicant prior to sending proposal of pension. In fact applicant having knowledge of excess payment was made to Mr. Mohammad Ali Mohammed Maheboob in the month of April 2014, therefore he is entitled for recovery of 50% amount of decree passed in R.C.S. No.156/2017.*

09.

10. *As regard to the contents of Para No.VI (x) of the Original Application, I say that the contents of this para are admitted to the extent of verification of pay by Pay Verification Unit Aurangabad and remaining contents made by the present are not true and correct and hence denied by the present respondents. It is not true to say that, applicant was not having knowledge about the excess amount of pay was paid to Mr. Mohammed Ali Mohammed Maheboob. In fact in the month of April 2014, applicant had prepared comparison payment statement and at that time he came to the notice that, excess amount of Rs.77,547/- was*

paid to Mr. Mohammed Ali Mohammed Maheboob. At that time i.e. 14 months prior to retirement the applicant had sufficient time to recover the excess amount, from the salary of Mr. Mohammed Ali Mohammed Maheboob. But in spite of recovering excess amount or initiating recovery proceeding against incumbent, the applicant arbitrarily without any authority accepted the request application from Mr. Mohammed Ali Mohammed Maheboob and postponed recovery till his retirement. The act of applicant of postponing / prolonging recovery was arbitrary and without having authority, therefore he is entitled for recovery. Therefore, the order of recovery against the applicant is legal and proper. It is not true to say that, applicant invited attention of respondent No.5 to the provision of Rule 132 (1)."

(Reproduced ad-verbatim from paper book page 64 to 67)

7. Learned P.O. reiterated the contentions raised in the said paragraphs supporting the impugned order. Learned P.O. submitted that since Driver, Mohammad Ali had filed civil suit against the recovery made from him, further actions got delayed. Learned P.O. further submitted that the relevant record was so explicit that there was no necessity to conduct any further enquiry in the matter. According to the learned P.O., no error, therefore, can be attributed to the respondents in

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directing recovery from the applicant. Learned P.O., therefore, prayed for rejecting the O.A.

8. After having duly considered the submissions made on behalf of the applicant and the respondents, the fact which has been glaringly noticed is that, before imposing impugned liability on the applicant, no enquiry has been conducted against him though a show cause notice seems to have been served upon the applicant. As noted hereinabove, the said show cause notice was duly replied by the applicant denying the charges levelled against him. In the circumstances, it was impermissible for the respondents to unilaterally hold the applicant guilty for the alleged excess payment made to Driver, Mohammad Ali. Moreover, it also cannot be ignored that applicant by that time had retired from the Government service on attaining age of superannuation on 31-08-2016.

9. Though the learned Counsel has sought to rely upon the judgment of the Hon'ble Apex Court in the case of ***State of Punjab and Others Vs. Rafiq Masih (White Washer)***, (2015) 4 SCC 334, it does

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not appear to me that the aid of the said judgment can be taken by the present applicant to buttress his contention. However, the fact remains that the recovery has been directed against the applicant without giving him reasonable opportunity in regard to the allegations made against him. In the circumstances, it is difficult to sustain the impugned order and the same deserves to be quashed and set aside. It is accordingly set aside in so far as the present applicant is concerned. Amount recovered, if any, from the pension of the applicant be refunded back to him within 6 weeks from the date of this order. There shall be no order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.692/2022
(Avinash Dhondge Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Heard Shri A.S.Deshmukh, learned Counsel for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri V.B.Wagh, learned Counsel for respondent no.3.

2. Today when the present matter is taken up for consideration, learned CPO has again come out with a request to grant some more time stating that proposal/file in regard to the posting to be given to the present applicant is pending for consideration in the office of Hon'ble Chief Minister.

3. In the affidavit in reply submitted on behalf of the respondents on 11-08-2022, a candid statement was made that "respondent no.1 will issue transfer orders of applicant separately in due course of time". On 15-09-2022, sur-rejoinder came to be filed on behalf of the respondent no.2. In paragraph 6 thereof it is stated on oath that the applicant's

transfer proposal is sanctioned by the Civil Board and is pending before the Hon'ble Chief Minister.

4. On 16-11-2022, learned CPO made statement that within one week posting order of the applicant will be issued. The statement so made by the learned CPO was recorded in the order passed by this Tribunal on the said date.

5. On 25-11-2022 when the matter was taken up for consideration, the communication received from the Government dated 25-11-2022 was produced on record. Again a statement was made by the learned CPO that the proposal is under consideration and is likely to be finalized within a short while.

6. Today when the matter is taken up for consideration, no progress is noticed in the matter and learned CPO has again made a request for time.

7. It is a very sorry state of affairs that after having made statement on oath in the affidavit filed by way of sur-rejoinder on behalf of the respondents prior to about 2 months that the transfer proposal has been sanctioned and is pending before the

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Hon'ble Chief Minister, no progress is seen in the present matter.

8. Learned Counsel for the applicant submitted that there is reason to believe that the concerned file has not been brought to the notice of the Hon'ble Chief Minister or has not been placed before him till date, or else it is impossible that the present matter would have remained unresolved.

9. I see substance in the submissions so made by the learned Counsel for the applicant. It appears to this Tribunal also that there is no likelihood of pendency of any file in the office of Hon'ble Chief Minister seeking his orders on the said file, for such a long period. Hence, I deem it appropriate to pass the following order:

ORDER

As is stated in the sur-rejoinder filed on behalf of the respondents, respondent no.1 shall put up the proposal sanctioned by the Civil Services Board pertaining to the posting to be given to the applicant before the Hon'ble Chief Minister within one week from the date of this order seeking orders on the said proposal.

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10. Steno copy and Hamdast allowed.

11. S.O. to 09-12-2022. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.29/2020
(Shaikh Akhtar Hussain Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri P.B.Rakhunde, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 02-02-2023.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.566/2020
(Nathu Khadtare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

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

2. S.O. to 05-12-2022 for further consideration.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.984/2019
(Dr. Prithviraj Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri Shamsundar B. Patil, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 07-12-2022. **High on Board.**

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.09/2022
(Dr. Prithviraj Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri Shamsundar B. Patil, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 07-12-2022. **High on Board.**

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.466/2021
(Dr. Yashwant M. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri Shamsundar B. Patil, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

T.A.NO.09/2022 IN W.P.NO.8518/2022
(Laxman Kashid & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri A.G.Ambetkar, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

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

3. Having regard to the request made in the application, it is expected that the respondents shall file their reply within the given period with all necessary particulars.

4. S.O. to 27-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

T.A.NO.10/2022 IN W.P.NO.4726/2022
(Namdev Shelar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri A.G.Ambetkar, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. Having regard to the request made in the application, it is expected that the respondents shall file their reply within the given period with all necessary particulars.
4. S.O. to 27-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.999/2022
(Arun Bangar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri A.G.Ambetkar, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. Having regard to the request made in the application, it is expected that the respondents shall file their reply within the given period with all necessary particulars.
4. S.O. to 27-01-2023.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.324/2022
(Govardhan Dongre Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

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

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof be served on the other side.

3. S.O. to 25-01-2023 for filing rejoinder, if any.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.455/2022
(Satilal Z. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri A.D.Sugdare, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 04-01-2023 for filing reply.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO.473/2022
(Satish Mote Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

Shri A.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 Presenting Officer, S.O. to 04-01-2023 for filing reply.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.475/2022
(Dnyanoba Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri C.V.Dharurkar, learned Counsel for the applicant is **absent**. Shri D.R.Patil, learned Presenting Officer for the respondent authorities is present.

2. At the request of learned Presenting Officer, S.O. to 05-01-2023 for filing reply. Await service on respondent no.3.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.476/2022
(Prakash Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri C.V.Dharurkar, learned Counsel for the applicant is **absent**. Shri I.S.Thorat, learned Presenting Officer for the respondent authorities is present.

2. At the request of learned Presenting Officer, S.O. to 05-01-2023 for filing reply.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO.477/2022
(Ashok Shelke Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

Shri C.V.Dharurkar, learned Counsel for the applicant is **absent**. Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities is present.

2. S.O. to 05-01-2023 for filing affidavit in rejoinder.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.514/2022
(Madhukar Dudhgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri K.B.Bhise, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.2 and 3. It is taken on record. Copy thereof be served on the other side.

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

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.646/2022
(Dr. Deelip Tandale Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri P.R.Tandale, learned Counsel for the applicant is **absent**. Shri B.S.Deokar, learned Presenting Officer for the respondent authorities and Shri A.S.Reddy, learned Counsel for respondent no.3, are present.

2. At the request of learned Presenting Officer, S.O. to 23-01-2023 for filing affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.647/2022
(Dr. Manik Madke Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri P.R.Tandale, learned Counsel for the applicant is **absent**. Shri B.S.Deokar, learned Presenting Officer for the respondent authorities and Shri A.S.Reddy, learned Counsel for respondent no.5, are present.

2. At the request of learned Presenting Officer, S.O. to 23-01-2023 for filing affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO.718/2022
(Shankar Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06-01-2023 for taking steps.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.719/2022
(Datta Sangvikar Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri S.R.Sapkal, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 25-01-2023 for filing affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.720/2022
(Sambhaji Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri S.R.Sapkal, 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 Presenting Officer, S.O. to 25-01-2023 for filing affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.850/2022
(Shaikh Jameer Shaikh Manjur Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri S.B.Solanke, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06-01-2023 for filing rejoinder.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

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

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

DATE : 30-11-2022

ORAL ORDER :

Shri V.S.Kadam, learned Counsel for the applicant, Shri B.S.Deokar, learned Presenting Officer for the respondent authorities and Shri G.N.Patil, learned Counsel for respondent nos.2 and 3, are present.

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

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**M.A.NO.194/2022 IN O.A.ST.NO.616/2022
(Sunil Kakade Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer S.O. to 09-01-2023 for filing affidavit in reply.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**M.A.NO.232/2019 IN O.A.ST.NO.532/2019
(A.R.Mhaske & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

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

2. S.O. to 22-02-2023 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**M.A.NO.276/2019 IN O.A.ST.NO.871/2019
(Rakesh Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

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

2. S.O. to 25-01-2023 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**M.A.NO.604/2019 IN O.A.ST.NO.2158/2019
(Venkat Mundhe Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

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

2. S.O. to 31-01-2023 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**M.A.NO.02/2021 IN O.A.ST.NO.1333/2020
(Kailas Kalke Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

Shri Manoj R. Khutwad, learned Counsel for the applicant is **absent**. Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities is present.

2. S.O. to 23-01-2023 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**M.A.NO.479/2022 IN O.A.NO.43/2020
(Baliram Malhare Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

Shri G.N.Kulkarni, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 05-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.487/2018
(Ramchandar Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

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

2. S.O. to 08-02-2023 for final hearing.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.691/2019
(Rajendra Potdar Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri A.N.Gaddime, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19-01-2023 for final hearing.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO.820/2019 to 832/2019,
837/2019 to 839/2019 and 915/2019
(Yogesh Sonawane & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

Shri S.R.Sapkal, learned Counsel for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 18-01-2023 for final hearing.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.55/2019
(Bhimrao Bramhane Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri P.B.Patil, learned Counsel for the applicant is **absent**. Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 25-01-2023 for final hearing.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO.543/2019
(Shivprasad Potpalliwar & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

Shri G.R.Jadhav, learned Counsel for the applicant, Shri I.S.Thorat, learned Presenting Officer for the respondent authorities and Shri S.B.Mene, learned Counsel for respondent nos.2 and 3, are present.

2. S.O. to 27-01-2023 for final hearing.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.89/2020
(Madhukar Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

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

2. S.O. to 02-02-2023 for final hearing.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.225/2020
(Subhash Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present. Shri K.J.Suryawanshi, learned Counsel for respondent nos.4 and 6 is **absent**.

2. S.O. to 21-12-2022 for final hearing

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO.517/2020
(Nandkishor Gupta Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

Smt. Vidya Taksal, learned Counsel for the applicant, Shri U.B.Bondar, learned Counsel for respondent no.3 and Shri R.V.Naiknaware, learned Counsel for respondent no.5, are **absent**.

Shri D.R.Patil, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 02-02-2023.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO.536/2020
(Ravi Vanjare Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

Shri G.J.Karne, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06-02-2023.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.567/2020
(Rajendra Marale Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri P.M.Nagargoje, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof be served on the other side.

3. S.O. to 23-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.109/2021
(Ashok Shiradkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

**ORIGINAL APPLICATION NO.316/2021
(Manikarani Rankhamb Vs. State of Maharashtra & Ors.)**

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

DATE : 30-11-2022

ORAL ORDER :

Shri H.P.Jadhav, learned Counsel for the applicant is **absent**. Smt. M.S.Patni, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 23-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.173/2022
(Ajay Dawane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30-11-2022

ORAL ORDER :

Shri V.P.Kadam, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 30.11.2022

ORIGINAL APPLICATION NO.372 OF 2021
(Sanjay N. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri V.G. Kodale, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities. Shri Sachin S. Deshmukh, learned Advocate for the respondent Nos.3 & 5, is **absent**.

2. The present matter is closed for order.

MEMBER (A)

MEMBER (J)

**C.P.NO. 03 OF 2022 IN O.A.NO. 80 OF 2021
(Bhimrao N. Kokate Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 04.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 30.11.2022

ORIGINAL APPLICATION NO.895 OF 2018
(Murlidhar E. Sakhare Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, Shri A.D. Gadekar, learned Advocate for the respondent Nos.2 & 4 and Shri S.B. Mene, learned Special Counsel for the respondents.

2. S.O. to 04.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

O.A.NO.294/2019 WITH O.A.NO.296/2019
(Sujata R. Palve & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri A.C. Deshpande, learned Advocate for the applicants in both the O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the O.As.

2. S.O. to 10.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 30.11.2022

**ORIGINAL APPLICATION NO.196 OF 2021
(Sandip P. More Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

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. S.O. to 11.01.2023 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.345 OF 2021
(Suvarna R. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 03.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.520 OF 2021
(Varsha V. Kulkarni & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Record shows that the matter is fixed for hearing without affidavit in reply of the respondents.

3. However, today learned P.O. submits that the affidavit in reply of respondent Nos.1 to 3 is ready and he seeks permission to file the same. In the interest of justice, permission to file reply is granted.

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

5. S.O. to 09.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.637 OF 2021
(Ravindra G. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Shri J.B. Choudhary, learned Advocate for the applicant has filed a **leave note**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of the respondents till today. Hence, the matter will proceed further without affidavit in reply of the respondents.

3. S.O. to 12.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.652 OF 2021
(Sadashiv N. Pohandulkar Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 13.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.679 OF 2021
(Mahesh G. Satkar Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 12.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.165 OF 2022
(Bhaskar N. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Record shows that the amount of costs is not deposited.
3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

M.A.NO. 370/2018 IN O.A.ST.NO. 1556/2018
(Jagannath P. Hanwate Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned Advocate for the respondent No.2.

2. S.O. to 04.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 30.11.2022

**M.A.NO.439 OF 2019 IN O.A.NO. 718 OF 2019
(Sudhakar R. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. At the request of the learned P.O., one more last chance is granted for filing affidavit in reply on behalf of the respondent in M.A.

3. S.O. to 14.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 30.11.2022

M.A.NO.529/2019 IN O.A.ST.NO. 1650/2019
(Gurunath S. Purohit Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 04.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 30.11.2022

M.A.NO. 32/2021 IN O.A.ST.NO. 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 : 30.11.2022

ORAL ORDER :

Shri S.D. Munde, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 04.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 30.11.2022

**M.A.NO.343 OF 2021 IN O.A.NO. 692 OF 2017
(Bhanudas R. Watane Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 03.01.2023 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 30.11.2022

**M.A.NO. 402/2021 IN O.A.ST.NO. 1631/2021
(Prakash H. Bhamare Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 03.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 30.11.2022

**O.A.NOS.159/2010, 341/2010 AND 424/2015
(Dr. Prakash A. Sawant & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri K.J. Suryawanshi learned Advocate for the applicants in all the O.As., Shri Sachin G. Joshi, learned Advocate for the respondent No.9, Shri Vivek Bhavthankar, learned Advocate for the respondent No.11, Shri S.T. Shelke, learned Advocate for the respondent No.13, Shri S.B. Gastgar, learned Advocate for the respondent No.14, Shri U.B. Bondar, learned Advocate for the respondent No.7 and Shri S.S. Dambe, learned Advocate for the respondent No.8 all in O.A.No.424/2015, are **absent**.

Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these O.As. and Shri K.G. Salunke, learned Advocate for the respondent No.10 in O.A.No.424 of 2015.

2. S.O. to 14.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION 78 OF 2017
(Shivaji S. Dahale Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 14.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.82 OF 2017
(Shaikh Rabbani Shaikh Dadubhai Vs. State of
Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 14.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.108 OF 2017
(Kishor 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 : 30.11.2022

ORAL ORDER :

Shri R.B. Bhosale, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 15.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.962 OF 2017
(Bhauasaheb B. Rayate Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 14.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.12 OF 2018
(Khandu T. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate holding for Shri P.R. Kadam, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 15.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.28 OF 2020
(Anil P. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 14.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

M.A.NO.112 OF 2021 IN O.A.NO.386 OF 2020
(Ganga S. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 20.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 30.11.2022

ORIGINAL APPLICATION NO.215 OF 2022
(Salim Mohd Hanif 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 : 30.11.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicants, Shri M.S. Deshmukh with Shri U.L. Momale, learned Advocate for the respondent Nos.4 to 20 & 22 to 24 in O.A., Shri M.S. Mahajan, learned Presenting Officer for the respondent No.1 to 3 and Shri V.B. Wagh, learned Advocate for the intervenor/Respondent No.25.

2. Learned Advocate for the intervenor/respondent No.25 sought oral permission to file affidavit in reply of the intervenor in the Original Application.

3. Learned C.P.O. for the respondent Nos.1 to 3 and learned Advocate for the respondent Nos.4 to 24 opposed for filing of the affidavit in reply. Learned Advocate for the applicant has not opposed for filing affidavit in reply.

//2// O.A.No.215/2022

4. The order dated 25.11.2022 passed in M.A.No.515/2022 in Original Application No.215/2022 would show that the intervenor is allowed to join as intervenor respondent in Original Application No.215/2022 as respondent No. 25 to the extent and on the basis of contention raised in paragraph Nos.13 and 14 in M.A. and allowing to advance oral arguments.

5. In view of that the intervenor/respondent No.25 is entitled to advance his arguments on the basis of contentions raised by him in the intervenor application. In view of the observations made by us in the said order, the said intervenor/respondent No.25 would not be entitled to file separate affidavit in reply. However, if the learned Advocate for the intervenor/respondent No.25 is desirous of treating the contention raised therein as written submissions on behalf of the intervenor/respondent No.25, the same is allowed. The affidavit in reply filed today on behalf of the intervenor/respondent No.25 is taken on record for the abovesaid purpose. It will be restricted to the observation made as above.

//3// O.A.No.215/2022

6. Further, as the learned Advocate for the applicant was not available in the first half the matter was posted post lunch at 3 p.m. Learned Advocate Shri Saket Joshi, holding for Shri A.S. Deshmukh submitted that at this juncture also, the learned Advocate for the applicant is busy before the Hon'ble Single Bench.

7. In this case, the interim relief is granted and it is understood by all the parties that the matter is to be heard expeditiously. In such circumstances, we have allowed the learned Advocate for the respondent Nos.4 to 24 to advance his arguments to utilize the time of the bench.

8. The matter is part heard. By consent of all the parties, now it is posted for final hearing on 06.12.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**R.A.NO.6/2022 IN M.A.NO.469/2022 IN O.A.NO.536/2021
(The Charity Commissioner, Maharashtra State, Mumbai
Dharmaday Ayukt Bhavan Through The Deputy Charity
Commissioner, Maharashtra State, Mumbai Vs. State of
Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri I.S. Thorat, learned P.O. for the applicant in Review Application/respondents in O.A. and Shri R.A. Joshi, learned Advocate for the respondent in Review Application/applicant in O.A.

2. Affidavit in reply filed by the respondent (Orig. Applicant) is taken on record and copy thereof has been served on the other side.

3. Misc. Application No.469 of 2022 is filed by the Original Applicant in O.A.No.536/2021 seeking stay to the final order dated 21.09.2022 passed in O.A.No.536/2021 till decision in the review application.

4. The review application is filed on the ground of suppressing of some documents. Learned Advocate for the respondent (Orig. Applicant) submitted that till disposal of the review, he will not take steps for execution of the order dated 21.09.2022 passed in O.A.No.536/2021.

5. In view of the above, S.O. to 07.12.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 748 OF 2021
(Prakash B. Potewar Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Dr. Kalpalata Patil-Bharaswadkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Record shows that the interim relief is granted by this Tribunal in favour of the applicant vide order dated 31.01.2022.
3. Learned Advocate for the applicant makes a grievance that the above-said interim order is not implemented by the respondents.
4. Learned C.P.O. is directed to take necessary instructions from the concerned respondent/s and place on record the status report positively on or before the next date of hearing, failing which the necessary legal consequences would follow.
5. S.O. to 20.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**O.A. Nos. 377, 378, 379, 380, 381, 470, 471,
472, 473, 474 & 475 all of 2020**

(Ganesh B. Choudhari & Ors. Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.11.2022

ORAL ORDER :

Heard Shri M.V. Bhamre, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these O.As. Shri S.G. Sharma, learned Advocate for respondent Nos. 4,8,10 to 16 & 19 in Nos. 377, 378, 379, 380, 381, 470, 471 & 475 all of 2020, **absent**. None present for rest of the respondents.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 to 3 in all these O.As.

3. At the request of learned Advocate for the applicants, time is granted for filing rejoinder affidavit in all these O.As., if any.

4. S.O. to 06.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

M.A. No. 512/2022 in O.A. St. No. 1828/2022
(Mukund B. Lokhande Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri P.S. Dighe, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents in M.A., returnable on 04.01.2023.

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 04.01.2023.

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

MEMBER (A)

MEMBER (J)

**M.A. No. 525/2022 in T.A. 17/2022 (WP 5627/2022)
(Dr. Yadav V. Sonkamble & ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present M.A. is filed by the applicants seeking permission to sue the respondents jointly.

3. Perusal of the proceedings would show that the applicant No. 3 said to have retired from the service from Pune Division, which is not within the jurisdiction of this Tribunal at Aurangabad Bench.

4. In view of the same, at the request of learned Advocate for the applicants, the name of applicant No. 3 is ordered to be deleted. The applicants shall carry out the necessary amendment in M.A. and T.A. forthwith. The present matter to proceed further in respect of applicant Nos. 1, 2 & 4.

5. Considering the cause of action and the reliefs sought in the T.A., permission is granted to the applicant Nos. 1, 2 & 4 to sue the respondents jointly, subject to payment of court fee stamps, if not paid.

6. According, the M.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

T.A. No. 17/2022 (W.P. No. 5627/2022)
(Dr. Yadav S. Sonkamble & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 04.01.2023.

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

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

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

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

7. S.O. to 04.01.2023.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1047 OF 2022
(Nilesh B. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 04.01.2023.

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 04.01.2023.

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

MEMBER (A)

MEMBER (J)

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

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

DATE : 30.11.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 1910 OF 2022
(Shamrao A. Gite Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 811 OF 2022
(The Association of the Ministerial Services of Department of
Agriculture through its Secretary, M.S. Pune & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate holding for Shri Avishkar Shelke, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicants filed affidavit in rejoinder. Same is taken on record and copy thereof has been served on the other side.
3. At the request of learned Advocate for the applicants, S.O. to 01.12.2022.

MEMBER (A)

MEMBER (J)

**M.A. No. 506/2022 in O.A. No. 779/2022
(Machindra N. Kanade Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri Avinash Khedkar, 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 jointly on behalf of respondent Nos. 1, 3 & 4 and separately on behalf of respondent No. 5 in O.A. Same are taken on record and copies thereof have been served on the other side.

3. S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.11.2022

**MA 25/2021 with MA 206/2020 in OA 1100/2019
(Yogesh S. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri G.K. Kshirsagar, learned Advocate for the applicants in M.A. No.25/2021 & for respondent Nos.85 to 101 in M.A.No.206/2020 (**Absent**). Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant in M.A.No.206 of 2020 & O.A.No.1100 of 2019, Shri M.S. Mahajan, learned Presenting Officer for the respondent authorities in all these cases and Shri A.S. Mirajgaonkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the respondent Nos. 102 to 105 in M.A.No.206/2020. Shri S.S. Tope, learned Advocate for the respondent Nos.12 & 15 in M.A.No.206/2020, Shri Sachin Randive, learned Advocate for the respondent Nos.18, 19, 22, 23, 24, 28 to 32, 34 to 37, 39 & 40, 42 in M.A. 206/2020 and Amol P. Ghule Patil, learned Advocate for the respondent Nos.81 to 84 in M.A.No.206/2020, are **absent**.

2. At the request of the learned Advocate for respondent Nos. 102 to 105 in M.A. 206/2020, S.O. to 01.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 773 OF 2022
(Smt. 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 : 30.11.2022

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. At the request of learned Chief Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 14.12.2022 for urgent admission.
4. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 651 OF 2022
(Santosh S. Suparkar Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. Record shows that the affidavit in reply is filed on behalf of respondent Nos. 2 and 3.
3. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof has been served on the other side.
4. S.O. to 10.01.2023 for filing rejoinder affidavit, if any.
5. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 684 OF 2021
(Dr. Rekha G. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri Pranav Phadnis, learned Advocate holding for Smt. Neha Kamble, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer seeks one more last chance for filing affidavit in reply on behalf of respondents.

3. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondents. Twice it was observed that if the respondents failed to file affidavit in reply, the matter will proceed further without affidavit in reply of the respondents.

4. In view of the same, the request made on behalf of respondents for granting time is rejected, as no sufficient cause is shown. The present matter is pertaining to seniority/promotion. Hence, the O.A. is admitted and it be fixed for final hearing on 02.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 523/2022 in O.A. No. 766/2022
(Keshav M. Jambutkar Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submitted that by the present Misc. Application, the applicant is seeking grant of pension and pensionary benefits, as well as, provisional pension.

3. Learned Presenting Officer submitted that today he filed affidavit in reply on behalf of respondent Nos. 1 to 3 in O.A. Same is taken on record and copy thereof has been served on the other side.

4. Learned Advocate for the applicant submitted that the applicant was getting provisional pension from 01.08.2021 to 31.01.2022. Thereafter, neither regular nor provisional pension is being paid to the applicant.

//2//

M.A. 523/2022 in
O.A. 766/2022

5. In the facts and circumstances, in our considered opinion, it is a statutory right of the applicant to get provisional pension. In view of the same, the respondents are directed to take immediate steps for payment of provisional pension to the applicant up to date within a period of one month from the date of this order.

6. In view of above, the M.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.11.2022

O.A. No. 766/2022

(Keshav M. Jambutkar Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.11.2022

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 09.01.2023 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.11.2022

**ORIGINAL APPLICATION NO. 684 OF 2022
(Shivraj V. Chidre Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri U.L. Momale, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 10.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 725 OF 2022
(Kishor A. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri S.S. Khivansara, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondent Nos. 1 & 2.
3. S.O. to 11.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 802 OF 2022
(Dnyaneshwar S. Andhale Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. Await service of notice upon the respondents.
3. S.O. to 11.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 813 OF 2022
(Sheshrao M. Koturwar Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Advocate for the applicant (**absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

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 12.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 814 OF 2022
(Sanjay V. Birhade Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Advocate for the applicant (**absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 12.01.2023.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 919 OF 2022
(Rahul R. Burrewar Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri V.A. Dhakne, learned Advocate for the applicant (**absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 12.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 939 OF 2022
(Santosh T. Pawar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Shri P.S. Anerao, learned Advocate for the applicant (**absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 12.01.2023.

MEMBER (A)

MEMBER (J)

C.P. No. 12/2022 in O.A. No. 265/2017
(Dr. Suresh M. Karamunge Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri R.R. Bangar, learned Advocate holding for Shri I.S. Thorat, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities. Shri P.R. Tandale, learned Advocate for respondent No. 4, **absent**.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 2 & 4.
3. S.O. to 20.12.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

C.P. No. 31/2022 in O.A. No. 44/2020
(Asha 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 : 30.11.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

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 P.O., time is granted for filing affidavit in reply on behalf of respondents in C.P.
4. S.O. to 20.12.2022.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.11.2022

ORIGINAL APPLICATION NO. 639 OF 2019
(Ajit 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 : 30.11.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, Shri C.V. Dharurkar, learned Advocate for respondent No. 3 and Shri S.B. Solanke, learned Advocate for respondent No. 4.

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 06.01.2023.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 373 OF 2020
(Rohan S. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

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

3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 161 OF 2021
(Vikas B. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Smt. M.S. Patni, 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 respondent Nos. 1 and 2.
3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 308 OF 2021
(Nita B. Magare Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

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 respondent authorities.

2. Await service of notice upon the respondent No. 1.
3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 2 & 3.
4. S.O. to 09.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 472 OF 2021
(Dr. Rahul R. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri B.R. Kedar, learned Advocate for the applicant and Smt. M.S. Patni, 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 06.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 303 OF 2022
(Santosh G. Lungare Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri M.U. Shelke, learned Advocate for the applicant and Shri V.R. Bhumkar, 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 20.12.2022.

MEMBER (A)

MEMBER (J)

**O.A. Nos. 382, 383, 384 & 385 all of 2022
(Rajendra R. Shah Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicants in all these O.As. and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities in all these O.As..

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in all these O.As.

3. S.O. to 10.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 324/2022 in O.A. St. No. 1203/2022
(Trivin A. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 06.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 348/2022 in O.A. St. No. 1262/2022
(Deorao S. Aher Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Advocate for the applicant (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A. Same is taken on record. She has also deposited one additional copy the said affidavit in reply for the applicant.

3. S.O. to 09.01.2023 for filing rejoinder affidavit in M.A., if any.

MEMBER (A)

MEMBER (J)

**M.A. No. 171/2022 in O.A. St. No. 405/2022
(Dhanraj P. Kankriya Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

3. S.O. to 08.12.2022.

MEMBER (A)

MEMBER (J)

**M.A. No. 94/2022 in O.A. St. No. 249/2022
(Dipak S. Sherkhane Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri G.J. Kore, learned Advocate for the applicant and Smt. M.S. Patni, 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.

3. S.O. to 09.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 295/2021 in O.A. St. No. 1154/2021
(Mrunalini P. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, 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 respondent No. 1 in M.A.

3. S.O. to 09.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 55/2021 in O.A. St. No. 363/2020
(Dnyanba N. Dhapse Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri G.L. Deshpande, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 20.12.2022.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.11.2022

**M.A. No. 81/2020 in O.A. St. No. 2435/2019
(Dipali N. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 04.01.2023 for filing rejoinder affidavit in M.A., if any.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.11.2022

ORIGINAL APPLICATION NO. 1068 OF 2022
(Vidya Umeshrao Gaikwad Vs. State of Maha. & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Aggrieved by the order dated 29.11.2022 passed by respondent No. 1, whereby respondent No. 3 has been appointed on the post presently held by the applicant, she has preferred the present Original Application challenging the said order. Prior to her appointment on the post of Commissioner, Jalgaon Municipal Corporation, the applicant had worked as Additional Commissioner of the said Municipal Corporation. The applicant was appointed as an Additional Commissioner of Jalgaon Municipal Corporation by way of promotion vide order dated 1.2.2021 from the post of Chief Officer of the Amalner Municipal Council. She came to be appointed as Commissioner of Jalgaon Municipal Corporation vide order dated 4.5.2022.

3. Learned counsel for the applicant submitted that though respondent No. 3 has been appointed on the post of applicant, she has not been given any

further posting and it is stated in the impugned order that the order of her appointment would be issued separately.

4. Learned counsel for the applicant submitted that apparently there is no reason for shifting the applicant from the existing post when she has been appointed to the said post hardly before 7 months. Learned counsel submitted that though the Government possesses power and authority to transfer its employee before completing the normal tenure of said employee, unless there are such reasons for such transfer, as provided under Sub-section 4(ii) of Section 4 and Section 4 (5) of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as "The Transfer Act, 2005") the transfer so effected cannot be sustained.

5. Learned counsel further submitted that from the circumstances it is quite evident that with the only object of facilitating the appointment of respondent No. 3 that the applicant is being shifted

from her existing post. Learned counsel submitted that the normal tenure of Government servant on one post is three years. Learned counsel submitted that appointment of respondent No. 3 on the post of applicant before completion of her normal tenure on the said post impliedly appears to be mid-term transfer of the applicant.

6. Learned counsel further submitted that respondent No. 3 vide order dated 30.8.2022 was appointed as an Additional Commissioner for Amravati Municipal Corporation, however, he did not resume charge of the said post. Learned counsel submitted that the person who did not honour the order of his appointment dated 30.8.2022 has been rewarded by giving him an appointment on the post of Commissioner of Jalgaon Municipal Corporation.

7. Learned counsel further submitted that the applicant has not yet physically handed over her charge though the order reflects that she has been relieved from the said post. Learned counsel further submitted that respondent No. 3 has not yet taken charge of the said post from the applicant. Learned counsel submitted that such midterm transfer in a

way amounts to victimization of the Government employee and if for no reason such employee is transferred within few months, he gets demoralized. Learned counsel submitted that, that is the reason that several riders are provided for midterm transfer of the Government employees by making specific provisions in that regard. Learned counsel submitted that mid-term transfers cannot be effected without consultation of the Civil Services Board. Learned counsel submitted that from impugned order it does not appear that the Civil Services Board has been consulted before passing such order.

8. Learned counsel, in the circumstances has prayed for interim relief thereby staying effect and operation of the impugned order dated 29.11.2022, which has resulted in applicant's midterm and mid-tenure transfer and direct the respondents to permit the applicant to continue to discharge her duties of the said post.

9. Shri I.S. Thorat, learned Presenting Officer appearing for the respondents opposed the

submissions made on behalf of the applicant. Learned P.O. submitted that the appointment of respondent No. 3 has been made on administrative grounds and respondents are not required to elaborate such grounds in the order itself. Learned P.O. submitted that unless the respondents are given opportunity to file their affidavit in reply, all relevant facts cannot be brought to the notice of this Tribunal. Learned P.O. submitted that the reasons behind passing such order may have been validly recorded before passing such order and same may be placed on record along with the affidavit in reply, which may be filed by the respondents. In the circumstances, it was the contention of the learned P.O. that it would be unjust and improper to grant at this stage the interim relief as has been prayed by the applicant.

10. Learned P.O. further submitted that as mentioned in the impugned order the applicant shall be deemed to have been relieved from her existing post and, as such, also the interim relief as has been asked by the applicant cannot be granted. Learned P.O. further submitted that as mentioned in

the impugned order posting orders of the applicant would be independently issued and, as such, the applicant is not entitled for any interim relief as has been prayed by her.

11. I have duly considered the submissions advanced by the learned counsel appearing for the applicant and learned Presenting Officer appearing for the respondents.

12. It is not in dispute that the applicant was appointed on the existing post vide order passed on 4.5.2022. The applicant has thus worked on the said post for the period of only 7 months. It is also not in dispute that the normal tenure of the Government employee on one post is three years and unless there are some special reasons ordinarily the employee is permitted to complete the period of tenure at the post on which he is appointed or transferred. In the present matter, in the impugned order though it has been stated that for the administrative reasons respondent No. 3 has been appointed in place of the applicant as the Commissioner of Jalgaon Municipal Corporation,

there is nothing on record to show why the applicant is being shifted from the said post when she was posted just 7 months before on the said post. *Prima facie*, therefore, there is reason to believe that for accommodating respondent No. 3 on the post of Commissioner of Municipal Corporation, Jalgaon that the applicant is being shifted from the said post.

13. There cannot be a dispute that the respondents possess right to disclose the reasons, which necessitated passing of the impugned order at a later stage while filing their affidavit in reply. Applying the same principle the right which appears to have accrued in favour of the applicant on the basis of prima-facie material placed on record by her also cannot be allowed to be frustrated. Having regard to the fact that the applicant is being shifted from her existing post within few months of her assuming charge of the said post and when there does not appear any apparent reason for shifting her from the said post and when she claims to be senior to respondent No. 3, prima-facie case is certainly made out by the applicant to grant interim relief in

her favour as has been prayed by her. It has to be stated that when the applicant is firm on her contention that she is still holding the charge of the existing post, learned Presenting Officer has expressed his inability to make any concrete statement as about joining of respondent No. 3 on the subject post for want of instructions. In the circumstances, I deem it appropriate to pass the following order: -

ORDER

- (i) Issue notice to the respondents, returnable on 9.12.2022, **till then order dated 29.11.2022 impugned in the present O.A. shall stand temporarily stayed.**
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- (iv) This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A. NO. 1068/2022

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

(vi) S.O. to 9.12.2022.

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

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

ORIGINAL APPLICATION NO. 440 OF 2022
(Khan Mohammed Arbaz Mohammed Kazim Khan Vs.
State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

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

3. S.O. to 27.1.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**ORIGINAL APPLICATION NO. 743 OF 2022
(Ankush R. Kolekar Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. Learned Presenting Officer submits that during the course of the day the affidavit in reply on behalf of the respondents will be filed. If the affidavit in reply is filed the same be taken on record. Learned P.O. shall serve the copy of the same on the learned counsel for the applicant.

3. List the matter for hearing on 30.1.2023. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 949 OF 2022
(Gajanan P. Rohankar Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Shri P.G. Rodge, learned counsel holding for Shri K.P. Rodge, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that during the course of the day the affidavit in reply will be filed on behalf of the respondents. If the affidavit in reply is filed, the same be taken on record. Learned P.O. shall serve the copy of the same on the learned counsel for the applicant.

3. List the matter for hearing on 27.1.2023. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

VICE CHAIRMAN

**M.A.NO. 251/2022 IN M.A. 18/2020 IN O.A. 81/2018
(Sayyed Wali Abdul Khadar Vs. State of Maharashtra &
Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri D.A. Bide, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. It is brought to my notice that in the present matter pleadings are complete. List the matter for hearing on 12.1.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**ORIGINAL APPLICATION NO. 301 OF 2021
(D.P. Jahav Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri G.J. Pahilwan, learned counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. At the request of learned Presenting Officer, S.O. to 12.12.2022.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

M.A.NO. 588/2019 IN O.A.ST.NO. 2292/2019
(Vyankat L. Nilawar Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Shri Vikram Sarse, learned counsel holding for Shri Vikram S. Kadam, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 7.12.2022.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**ORIGINAL APPLICATION NO. 395 OF 2017
(Shobha R. Pathak Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri A.S. Mirajgaonkar, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3 **(absent)**.

2. At the request of learned counsel for the applicant, S.O. to 27.1.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**ORIGINAL APPLICATION NO. 157 OF 2022
(Ravindra P. Bahadare Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 27.1.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**M.A.NO. 83/2022 IN O.A.ST.NO. 1621/2021
(Sopan P. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri S.G. Kularni, learned counsel for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 30.1.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**M.A. 454/22 IN M.A.NO. 58/22 IN O.A.ST.221/22
(Sindhu B. Wanve & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. Issue notice to the respondents on application for condonation of delay, returnable on 30.1.2023.

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 30.1.2023.

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

ORAL ORDERS 30.11.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 923 OF 2022
(Subhash S. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri D.R. Jayabhar, learned counsel for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. When the present matter is taken up for consideration no one has caused appearance for the applicant. On the previous date i.e. on 20.10.2022 also none had appeared for the applicant. In the interest of justice, S.O. to 30.1.2023. It is clarified that if the matter is not proceeded further on the given date the same shall stand dismissed for want of prosecution.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**ORIGINAL APPLICATION NO. 479 OF 2019
(Khobraji L. Bele Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 9.12.2022.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**ORIGINAL APPLICATION NO. 1083 OF 2019
(Ambadas P. Deshpande Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri Sudhir Telgote, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 31.1.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

ORIGINAL APPLICATION NO. 630 OF 2021
(Babasaheb H. Dahifale Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 31.1.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

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

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

DATE : 30.11.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.1.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**ORIGINAL APPLICATION NO. 369 OF 2021
(Naushadbee Ibrahim Shaikh Vs. State of Maha. & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri Sushant B. Choudhari, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. By consent of both the parties, S.O. to 27.1.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**M.A.NO. 2037/2022 IN O.A.ST.NO. 1695/2022
(Shaukat Ullah Khan Ahsan Khan Vs. State of Maha.
& Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri V.B. Kulkarni, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents on application for condonation of delay, returnable on 31.1.2023.

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 31.1.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 364 OF 2022
(Laxmibai Uttam Potdar Vs. State of Maha. & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri S.P. Dhoble, learned counsel holding for Shri A.V. Patil (Indrale), learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 31.1.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

ORIGINAL APPLICATION NO. 427 OF 2022
(Vijay Mahadeo Kamble Vs. State of Maha. & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 2.2.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**ORIGINAL APPLICATION NO. 482 OF 2022
(Ganesh Vaman Patil Vs. State of Maha. & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 7.12.2022.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**M.A.NO. 350/2022 IN O.A.NO. 420/2021
(Bajirao Jangle Vs. State of Maha. & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. The present case is not on board. It is taken on today's board at the request of learned counsel for the applicant.

3. The learned counsel for the applicant has circulated the present case with a request to grant extension of time for amending the Original Application.

4. Time is extended by one week. The applicant shall carry out the necessary amendment in the O.A. within one week from today.

5. The matter to come up for hearing on the given date.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1057 OF 2022
(Shara K. Wakchaure Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri A.S. Khedkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The grievance of the applicant is that after about 6 years of his retirement now the recovery has been directed against him on account of wrong fixation of pay. Learned counsel submits that two installments are already recovered from the amount payable to the applicant. Learned counsel further submitted that because of such re-fixation the amount of pension which was being received to the applicant has also been reduced. The said order has also been challenged by the applicant in the present O.A. Learned counsel, in the circumstances, has prayed for interim relief thereby restraining the respondents from effecting the recovery henceforth and direction against the respondents to continue pay his pension at the rate which was being paid to him before passing of the impugned order.

3. After having considered the submission made by the learned counsel and on perusal of the documents filed on record, *prima facie*, it appears that the recovery would not have been directed against the applicant in view of the judgment of the Hon'ble Apex Court in the case of **State of Punjab And Others etc. Vs. Rafiq Masih (White Washer) etc., AIR 2015 SC 596**. However, after having gone through the documents on record at this juncture it is difficult to record any *prima facie* findings about the correctness of the pay fixation done. In the circumstances, though I am inclined to accept the request so far staying recovery is concerned, I am not inclined to pass any interim order in regard to the other reliefs claimed. Those can be considered at the time of final hearing of the matter. Hence, the following order :-

ORDER

- (i) Issue notice to respondents, returnable on 31.1.2023.
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) Applicant is authorized and directed to serve on respondent/s intimation/notice of date of

hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

(vi) The respondents are restrained from effecting any recovery henceforth as directed in the order dated 21.7.2022.

(vii) S.O. to 31.1.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1060 OF 2022
(Vivek M. Deshmukh Vs. State of Maha. & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

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

2. The applicant has approached this Tribunal with a grievance that alleging wrong fixation of pay some recovery has been directed against the present applicant. Learned counsel for the applicant submits that no such recovery can be directed against the applicant in view of the judgment of the Hon'ble Apex Court in the case of **State of Punjab And Others etc. Vs. Rafiq Masih (White Washer) etc., AIR 2015 SC 596**. He has, therefore, prayed for restraining the respondents from ordering any recovery by way of interim relief till decision of the present O.A. When asked as to when the applicant will retire or attain the age of superannuation, it is informed that the applicant is presently 53 years old. On going through the record it is further revealed that amount of recovery is yet to be finalized. In the circumstances, I deem it appropriate to issue notices to the respondents to submit their affidavit in reply before the next date. Hence, the following order: -

ORDER

(i) Issue notice to respondents, returnable on 31.1.2023.

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

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

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

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

(vi) The issue of interim relief is kept open till then.

(vii) S.O. to 31.1.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 322 OF 2022
(Dr. Datta Maroti Dhanve Vs. State of Maha. & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

Shri S.B. Ghute, learned counsel for respondent No. 3 (**absent**).

2. Today when the present matter is taken up for consideration, it is revealed that despite granting last chance and thereafter granting one more last chance the respondents have failed to file affidavit in reply. Learned Presenting Officer submits that despite the communications made to the respondents concerned in this regard no response is received from the said of the respondents. Learned Presenting Officer has placed on record copies of three such communications made on different dates. The same are taken on record. Since the affidavit in reply of the respondents appears necessary in the present matter, I deem it appropriate to give one more special opportunity to the respondents to file affidavit in reply. While granting time to the respondents to file

reply I also direct respondent No. 1 to submit his explanation why he did not respond to the communications received from the office of Chief Presenting Officer.

3. Learned Presenting Officer shall communicate this order to respondent No. 1.

4. S.O. to 30.1.2023

5. Steno copy and hamdust is allowed to both the parties.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 773 OF 2021
(Kalim Salim Inamdar Vs. State of Maha. & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri Sayyed Tauseff Yaseen, learned counsel for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. In the present matter the following order was passed on the previous date i.e. on 9.11.2022: -

“2. The learned counsel, as well as, the applicant both are absent. The record shows that earlier also the applicant and his counsel have remained absent. On 27.9.2022 following order was passed :-

“ORAL ORDER

None present on behalf of the applicant.

Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 4.11.2022 for passing necessary order.”

3. It has to be stated that on 4.11.2022 the Tribunal was not functional and hence the matter has been taken on today's board, the date must not

be within the knowledge of the applicant or his counsel.

4. In the circumstances, in the interest of justice I deem it appropriate to give one more opportunity to the applicant to work-out the matter. If on the next date the applicant fails to work-out the matter, the same will be dismissed.

5. S.O. to 30.11.2022.”

3. Today also no one is present for the applicant. It seems that the applicant has lost interest in prosecuting the matter further. Hence, the following order: -

ORDER

The Original Application stands dismissed for want of prosecution. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 297 OF 2022
(Sandipan Kashiram Kalle Vs. State of Maha. & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. It is the grievance of the applicant that respondent No. 2 did not decide the proposal forwarded by respondent No. 3 in regard to the request made by the applicant for regularization of his period of suspension. The applicant was suspended on 16.2.2005 on the ground that he remained in police custody for more than 48 hours after he was arrested in a criminal case. The applicant was subsequently reinstated in service w.e.f. 20.2.2017 after he was acquitted from the criminal case against him i.e. after the period of 12 about years. The applicant retired on 30.6.2022.

3. The applicant was pursuing the authorities for taking decision on the period of his suspension and to regularize it. Accordingly, respondent No. 3 has submitted the proposal made in that regard by the

applicant for necessary consideration with his recommendations to respondent No. 2 on 11.6.2021. However, respondent No. 2 has not yet taken any decision on the said proposal. The applicant is, therefore, constrained to approach this Tribunal.

4. The respondents have not filed affidavit in reply in the present matter despite availing due opportunities therefor. Today, therefore, the matter is heard finally. In absence of the affidavit in reply from the respondents, it is in fact difficult to reach to any reasonable conclusion as about the prayer made in the application i.e. for regularization of the period of suspension undergone by the applicant. In the circumstances, it appears to me that the present O.A. can be disposed of by directing respondent No. 2 to decide the proposal dated 11.6.2021 submitted to it by respondent No. 3 on its own merits and in accordance with law within 8 weeks from the date of this order. Ordered accordingly.

5. The Original Application stands disposed of with the aforesaid direction however, without any order as to costs.

VICE CHAIRMAN

M.A.NO. 4/2021 IN O.A.ST.NO. 1401/2020
(Sampat B. Jadhav Vs. State of Maha. & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Shri R.S. Wani/S.G. Kulkarni, learned counsel for the applicant has tendered across the bar **VAKALATNAMA** on behalf of the applicant with no objection of earlier learned Advocate Shri P.G. Gunale and the same is taken on record. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present. Shri S.P. Pandit, learned special counsel for respondent Nos. 1 to 4 has filed leave note.

2. S.O. to 23.01.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

ORIGINAL APPLICATION NO. 320 OF 2020
(Santosh N. Dhongade Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

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

2. S.O. to 14.12.2022 for final hearing.

MEMBER (A)

KPB ORAL ORDERS 30.11.2022

MEMBER (J)

ORIGINAL APPLICATION NO. 567 OF 2017
(Bebabai P. Koli (Sapkale) Vs. State of Maharashtra & Ors.)

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

DATE : 30.11.2022

ORAL ORDER :

Shri Vinod Patil, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03.01.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**ORIGINAL APPLICATION NO. 1070 OF 2019
(Suryabhan B. Nagre Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri Umesh S. More, learned counsel for respondent No. 3, are present.

2. Learned counsel appearing 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 03.01.2023.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 298 OF 2020
(Ramraje G. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03.01.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**ORIGINAL APPLICATION NO. 638 OF 2021
(Ganesh R. Admankar Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent Nos. 2 to 5, are present.

2. S.O. to 31.01.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD

**ORIGINAL APPLICATION NO. 687 OF 2021
(Vipul R. Bhagwat Vs. State of Maharashtra & Ors.)**

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

DATE : 30.11.2022

ORAL ORDER :

Shri R.R. Bangar, learned counsel holding for Shri I.D. Maniyar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19.01.2023.

VICE CHAIRMAN

ORAL ORDERS 30.11.2022-HDD