

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

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

Before: - Court On Leave

Date: -30/06/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	CP13/22 In OA130/17	Beed	Adv.S.B. Jadhav (Priyanka A Dongre)	Contempt Petition		29.8.2023
2	OA192/23	A'bad	Adv.Gaurav Deshpande (Yogesh S Swami & Ors.)	Selection Process (MPSC)	Circulation	6.7.2023
3	OA515/23	Nanded	Adv.R.V. Gore (Harish D Mahure)	Selection Process (MPSC)		13.7.2023
4	MASt777/23 In OAS778/23	A'nagar	Adv.Mahesh S Taur (Anna P Rathod & Ors.)	M.A. For Sue Jointly	With Office Objection Amendment be not carried out forthwith	10.7.2023
Order Matters						
5	MA601/19 In OAST2211/19	A'bad	Adv.A.S. Khedkar (Maharashtra Rajya Rekhachitra Shakha Karmachari Sanghatna through its President Zaki Ahmed Jafri)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1	29.8.2023
6	MMA256/23 In OA670/22	A'bad	Adv.V.B. Wagh (Dr. Rajeshree N Agarwal)	M.A. For Direction		11.7.2023
High On Board Matters						
7	MA544/22 In OA762/18	O'bad	Adv.V.V. Deshmukh in MA544/22 (Maharashtra Rajya Bazar Samiti Karmachari Seva Nivrutti)	M.A. For Adding Party Respondents Challenging	Part Heard of OA762/18 Reply Filed by R-1 to R-3 in OA762/18	18.7.2023

			Vetan Yojna, Pune Through its CEO, Balasaheb G Katore) <u>Adv.S.D. Joshi in OA762/18</u> (Sahebrao D Deshmukh & Ors.)	G.R.		
Due Admission Matters						
8	OA311/19	Dhule	Adv.C.V. Dharurakar (Rekha I Manikhedkar)	Selection/ Appointment	For Admission Reply Filed by R-1 & R-2	18.7.2023
9	OA556/19	Jalna	Adv.J.S. Deshmukh (Dr.Shankant D Gawande) <u>Adv.Umesh S Mote for R.No.4</u>	Condonation of Technical Breaks/ Increments/ Leave	For Hearing Reply Filed by R-1 to R-3	9.8.2023
10	OA275/21 with	Jalna	Adv.D.B. Bhange (Parmeshwar P Pawar)	Selection/ Appointment	For Hearing Reply Filed by R-2	14.8.2023
11	OA276/21	A'nagar	Adv.D.B. Bhange (Akshay V Thorat)	Selection/ Appointment	For Hearing Reply Filed by R-2	14.8.2023
12	OA497/21	A'nagar	Adv.V.B. Wagh (Nitin S Shelar)	Preliminary Enquiry	Reply Filed by R-1	21.8.2023
13	OA256/22	O'bad	Adv.Suchita Dhongde (Ashok S Patil)	Major Punishment	For Admission Reply Filed by R-1 to R-3 & R-6	22.8.2023
14	OA464/22 with	Nanded	Adv.S.A. Deshmukh (Sanjay V Birhade) <u>Adv.Sudhir K Chavan for R.No.4</u>	Reversion	For Hearing	24.8.2023
15	OA465/22 with	Nanded	Adv.S.A. Deshmukh (Shaikh Moin Shaikh Suleman)	Reversion	For Hearing	24.08.2023
16	OA466/22	Nanded	Adv.S.A. Deshmukh (Sudarshan N Burkule)	Reversion	For Hearing	24.8.2023
17	OA467/22	Nanded	Adv.S.A. Deshmukh (Pralhad V Burkule)	Reversion	For Hearing	24.8.2023

Final Hearing Matters						
18	OA788/17	P'bhani	Adv.Ajay S Deshpande (Ashok T Ghobale)	Reversion	Reply Filed by R-1 & R-2	23.8.2023
19	OA874/18	O'bad	Adv.Shrikant G Kawade/ Adv.A.M. Nagarkar (Shashikant S Yadav)	Seniority/ Promotion	Reply filed by R-3	23.8.2023
20	OA359/19	J'gaon	Adv.S.D. Dhongde (Shantaram M Sonwane)	Back Wages/ Increment/ Promotion	Reply Filed by R-2	28.8.2023
21	OA942/19	Hingoli	Adv.Suresh D Dhongde (Shaikh Hameed Shaikh Dadamiyan)	Promotion	Reply Filed by R-2 & R-3	28.8.2023
22	OA515/20	N'bar	Adv.B.R. Kedar (Aniket D Rakh)	Challenging G.R	Ind Set Not Filed Reply filed by R-2 & R-3	30.8.2023
23	OA277/21	Latur	Adv.K.B. Jadhav (Shivaji N Wagh)	Reversion	Reply Filed by R-1 & R-4	31.7.2023
24	OA813/22	Nanded	Adv.Suchita Dhongde (Sheshrao M Koturwar)	Seniority List	Reply Filed by R-1 to R-4	29.8.2023
25	OA814/22	Nanded	Adv.Suchita Dhongde (Sanjay V Birhade)	Seniority List	Reply Filed by R-1 to R-4	29.8.2023

Division Bench

Before: - Court On Leave

Date: -30/06/2023

For Reply Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA628/21	Latur		Absorption		8.8.2023

			Adv.S.P. Urgunde (Swati G Swami)		As a Last Chance For Filing Affidavit in Rejoinder	
2	OA474/22	Beed	Adv.S.S. Kulkarni/ Adv.V.S. Kadam (Anurath A Lande)	Selection	As a Last Chance For Filing Affidavit in Rejoinder	8.8.2023
3	OA546/22	A'bad	Adv.Yogesh P Deshmukh (Samta R Lokhande)	Appointment	Await Service R-1 & R-3	17.8.2023
4	OA637/22	J'gaon	Adv.A.B. Rajkar (Vishal G Bochare)	Termination	For Filing Affidavit in Rejoinder	24.8.2023
5	OA828/22	A'nagar	Adv.V.B. Wagh (Shailendra G Sasane)	Designation	For Filing Affidavit in Rejoinder	28.7.2023
6	OA955/22	J'gaon	Adv.S.S. Thombre (Swapnil G Sabale)	Appointment	Await Service & Reply Filed By R-5	21.8.2023
7	OA958/22	P'bn	Adv.S.S. Thombre (Vasant S .Tupkari)	Termination	For Filing Affidavit in Reply	31.7.2023
8	OA1041/22	A'nagar	Adv.A.M. Hajare (Bhaskar V Shinde)	Departmental Enquiry	For Reply	21.8.2023
9	OA1153/22	A'nagar	Adv.A.S. Deshmukh <u>Adv A S Deshmukh Has Filed Leave Note Form 30.06.2023 & 03.07.2023 to 05.07.2023</u> (Nilesh R Mhaske)	Appointment	Await Service	7.8.2023
10	OA1159/22	Latur	Adv.S.L. Bhapkar (Ravindra G Lagdive)	Select List	Reply Filed By R-2 & R-3	21.8.2023
11	OA58/23	A'nagar	Adv.K.J. Suryawanshi (Dr.Rajendra V Shinde)	Extension of Age	Await Service	21.8.2023
12	OA189/23	N'bar	Adv.P.S. Dighe (Lilin R Wagh)	Promotion	For Reply	12.7.2023
13	OA351/23	A'bad	Adv P R Wankhade (Dr. Rajesh B Kharat)	Selection Process (MPSC)	For Reply	31.7.2023
14	OA408/23	P'rbn	Adv V B Wagh	Continuation of Service	For Reply	20.7.2023

			(Dr. Suhas B Jagtap)			
15	OA454/23	A'bad	Adv Anirudha A Nimbalkar (Dr. Manohar A Wakle & Ors.)	Continuation of Service	Await Service	20.7.2023
16	OA456/23	A'bad/ Jalna	Adv V B Wagh (Dr.Balkrishna S Lanjewar)	Continuation of Service	For Reply	20.7.2023

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

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

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

Date: -30/06/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Regular Admission Matters						
1	OAS1148/21	A'nagar	Adv.Amol S Gandhi (Manoranjan M Gatkal)	Recovery of Govt. Quarter	With Office Objection	11.7.2023
2	MA275/23 In OAS1090/23	A'nagar	Adv.Talekar & Associates (Rajendra A Khilari & Ors.)	M.A. For Sue Jointly		
3	MA285/23 In OAS1119/23	A'bad	Adv.K.B. Jadhav (Sunil G Jadhav)	M.A. For Condonation of Delay		18.8.2023
4	MA288/23 In OA440/23	Beed	Adv.Poonam V Bodke Patil (Dr. Nathrao N Phad)	M.A. For Amendment	Circulation	20.7.2023
5	OA508/23	A'bad	Adv.V.B. Wagh (Shalini P Bidarkar)	Suspension		21.7.2023
6	OA512/23	J'gaon	Adv.C.V. Dharurkar (Jaykumar R Koli)	Transfer	Circulation	14.7.2023
7	OA513/23	Latur	Adv.P.B. Jadhav/ Adv.P.P. Shinde (Jaya D Konkewar)	Transfer	Circulation	03.7.2023
8	OA514/23	A'bad	Adv.Mohit R Deshmukh	Transfer		28.7.2023

			(Sunil A Malkar)			
Order Matters						
9	MA228/23 In OA360/23	Jalna	Adv.P.R. Wankhade (Vilas D Ambhore)	M.A. For Status Quo	<u>Circulation</u> For Expedited Hearing Ref.Order dtd.12.05.23	
10	MA232/19 In OAST532/19	Nanded	Adv.Sandeep G Kulkarni (A.R. Mhaske & Ors.)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-3	18.8.2023
11	MA70/22 In OAST1830/21	Nanded	Adv.U.B. Deshmukh (Uttam C Rathod)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-3	23.8.2023
Due Admission Matters						
12	OA734/19	Nanded	Adv.A.S. Deshmukh Adv.A.S. Deshmukh has Filed Leave Note From 30/06/2023 & 03/07/2023 to 05/07/2023 (Shamsundar R Pande)	Time Bound Promotion/ ACPS/ Minor Punishment/ Withdrawal of Benefit of T.B.P. & Recovery	Reply Filed by R-3	23.08.2023
13	OA834/19	A'bad	Adv.Vivek G Pingle (Ravikant R Hadoltikar) <u>Adv.G.N. Patil for</u> <u>R.No.2</u>	Interest on Delayed Payments	For Hearing Reply Filed by R-2 & R-3	11.8.2023
14	OA440/20	A'bad	Adv.Preeti R Wankhade (Sitaram D Kolte & Ors.)	Withdrawal of Benefit of Revbised A.C.P.S./ Time Bound Promotion	For Hearing Reply filed by R-1 to R-4	21.8.2023
15	OA586/20	Hingoli	Adv.Ashish B Rajkar (Sonaji K Barhate) <u>Adv.N.U. Yadav for</u> <u>R.Nos. 2 & 3</u>	Compassioante Appointement	Reply Filed by R-2 & R-3	29.8.2023

16	OA407/21	O'bad	Adv.Gaurav L Deshpande (Aziz Immam Shaikh)	Time Bound Promotion/ ACPS/ Recovery/ Leave/ Salary	Reply Filed by R-1 to R-3	23.8.2023
17	OA495/21	J'gaon	Adv.Balaji S Shinde (Vaibhav D Shinde)	Transfer	Circulation For Withdrawal Reply Filed by R-1 to R-3	18.8.2023
18	OA782/21	A'bad	Adv.G.K.Kshirsagar/ Adv.G.J. Pahilwan (Dhrupatrao P Jadhav)	Withdrawal Benefit of ACPS	Reply Filed by R-1 to R-4	19.7.2023
19	OA722/22	A'bad	Adv.P.R. Tandale (Devidas M Kandhare)	Increment	Rehearing	7.8.2023
20	OA920/22	Dhule	Adv.K.B. Jadhav (Dipak M Zirwal)	Appointment on Compassionate Ground (Lad Page Samiti)	For Hearing Reply Filed by R-1 to R-3	9.8.2023
21	OA1025/22	P'bhani	Adv.N.D. Sonavane (Azizkhan Yusufkhan Pathan)	Re Instatement	For Hearing	22.8.2023
22	OA260/23	J'gaon	Adv.Kakasaheb B Jadhav (Suryakant D Nikam)	Suspension/ Revocation of Suspension	For Hearing Reply Filed by R-1	09.08.2023
Final Hearing Matters						
23	OA784/15	Beed	Adv.Avinash S Khedkar (Malappa P Shendule)	Pension	Reply Filed by R-1 to R-3	10.8.2023
24	OA277/17	A'nagar	Adv.S.S. Jadhavar (Shaikh Mehboob Abdul Kareem)	Pensionary Benefits	Reply Filed by R-1 to R-3	10.8.2023
25	OA415/19	A'bad	Adv.V.B. Wagh (Rajendra S Jagdale)	Time Bound Promotion/ ACPS/ Benefit of G.R.	Reply Filed by R-1 to R-3	22.8.2023
26	OA938/19	A'bad	Adv.Jayant B Choudhary (Maheboob Khan Mohd Yousufkhan Pathan)	Time Bound Promotion/ ACPS/ Bnefit of G.R.	Reply Filed by R-1 to R-3	10.8.2023
27	OA189/21 with	A'nagar	Adv.Avinash S Khedkar (Sakharam C Kashid) <u>Adv.Shamsunder B Patil</u> <u>for R.Nos.2 to 3</u>	Recovery	For Hearing Reply Filed by R-1 to R-4	23.8.2023

28	OA214/21 with	A'nagar	Adv.Avinash S Khedkar (Ramnath N Raut) <u>Adv.Shamsunder B Patil</u> for R. 2 to3	Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-1 to R-3	23.8.2023
29	OA336/21 with	A'nagar	Adv.Avinash S Khedkar (Raosaheb S Bhosale) <u>Adv.Shamsunder B Patil</u> for R.Nos. 2 to 3	Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-2 to R-3	
30	OA365/21 with	A'nagar	Adv.Avinash S Khedkar (Prabhakar B Jondhale) <u>Adv.Shamsunder B Patil</u> for R.Nos. 2 to 3	Recovery	For Hearing Reply Filed by R-1 to R-3	
31	OA222/21 with	A'nagar	Adv.Avinash S Khedkar (Bhauasaheb A Wighve) <u>Adv.S.B. Patil for R.Nos.2</u> & 3	Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-1	
32	OA223/21	A'nagar	Adv.Avinash S Khedkar (Babasaheb R Warpe) <u>Adv.S.B. Patil for R.Nos.2</u> & 3	Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-1 to R-3	
33	OA589/21	Jalna	Adv.Rakhi V Sundale (Prafull A Suryawanshi)	Compassionate Appointment	Reply Filed by R-2	22.8.2023
34	OA590/21	Nanded	Adv.Vinod P Patil (Rajendra N Dhangare) <u>Adv.M.R. Kulkarni For</u> R.No.5	Transfer	Reply Filed by R-1 to R-4	22.8.2023
35	OA99/22	O'bad	Adv.K.B. Jadhav (Rohit C Mote)	Appointment on Compassionate Ground	Reply Filed by R-1 to R-6	23.8.2023

Date: -30/06/2023

For Reply Borad

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA567/17	Jalgon	Adv Vinod P Patil (Bebabai P Koli (Sap kale))	Family Pension	One More Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd. 9.11.22</u>	14.7.2023
2	OA526/21	Nanded	Adv.Sandeep G Kulkarni (Vilas M Joshi) <u>Adv.S.B. Mene for R.Nos.2</u> & 3	Pay Scale/ Recovery	For Filing Affidavit in Reply For R-1 to R-3 & R-5 Await Service of Notice for R-4	4.8.2023

3	OA631/21	Nanded	Adv.Ashish B Rajkar (Shamsundar K Suryawanshi) <u>Adv.Vinesh C Solshe For</u> <u>R.Nos. 2 & 3</u>	Time Bound Promotion/ ACPS	For Filing Affidavit in Rejoinder	24.8.2023
4	OA722/21	Nanded	Adv.A.B. Rajkar (Ashok K Bhalariao & Ors.) <u>Adv.Mahesh C Swami for</u> <u>R.Nos. 2 to 6</u>	Time Bound Promotion/ ACPS	For Filing Affidavit in Rejoinder	24.8.2023
5	OA725/21	Pbn	Adv S B Ghatol Patil (Bhagwat R.Borchate)	Police Patil	Await Service For R- 5 to R-7	27.7.2023
6	OA509/21	A'bad	Adv A B Girase (Dr. Ramling C Mahajan & Ors.)	Benefits of G.R	For Filing Affidavit in Reply <u>Ref Order Dtd.</u> <u>13.01.2023</u>	27.7.2023
7	OA295/22	Latur	Adv.K.B. Jadhav (Bhagwan K Mane)	Time Bound Promotion/ ACPS	For Filing Affidavit in Rejoinder	24.8.2023
8	OA622/22	P'bhani	Adv.Priya R Bharaswadkar (Sharda M Pawar)	Compassionate Appointment	For Filing Affidavit in Rejoinder	27.7.2023
9	OA795/22	Latur	Adv.V.P. Golewar (Dr. Vishwanath S Biradar)	Pension & Pensionary Benefit/ Arrears of Salary	By Way of Last Chance For Filing Affidavit in Reply	12.7.2023
10	OA806/22	Hingoli	Adv M K Bhosale (Pathan Maheeb Ahmed)	Compassionate Appointment	For Filing Affidavit in Reply	27.7.2023
11	OA1066/22	Hingoli	Adv P S Dighe (Govind B Rathod)	Recovery	For Filing Affidavit in Rejoinder	12.7.2023
12	OA1069/22	A'nagar	Adv.V.B. Wagh (Sachin R Shinde)	Posting	Await Service	07.08.2023
13	OA19/23	A'nagar	Adv.S.D. Joshi (Dr. Ajit P Thorbole)	Suspension	For Filing Affidavit in Rejoinder	10.7.2023
14	OA20/23	A'nagar	Adv.S.D. Joshi (Nanasaheb S Agale)	Suspension	For Filing Affidavit in Rejoinder	10.7.2023
15	OA73/23	P'rbn	Adv D K Rajput (Jyoti C Hatkar)	Suspension/ Re-instatement	For Reply	27.7.2023
16	OA86/23	Nanded	Adv.D.K. Rajput (Shyam M Yesmod)	Suspension/ Reinstatement	For Reply	27.7.2023
17	OA111/23	Nanded	Adv J S Deshmukh (Dr.Udaykumar T Helkar)	Suspension/ Reinstatement	For Reply	28.07.2023
18	OA262/23	Jalgaon	Adv P R Bharaswadkar (Bharat A Gaikwad)	Posting/ Repatriation	For Reply	7.8.2023

19	OA274/23	J'gaon	Adv.V.B. Wagh (Dinesh S Thakur)	Deputation/ Transfer	For Reply	7.8.2023
20	OA383/23	A'bad	Adv R J Nirmal (Shankar P Dange)	Transfer	For Filing Affidavit in Reply	23.8.2023
Order Matter						
21	MA12/21 In OASt34/21	A'bad	Adv D A Mane (Gorakh Dhakane)	M.A. For Condonation of Delay	As a Last Chance For Filing Affidavit in Rejoinder	26.7.2023
22	MA507/22 In OASt1956/22	Dhule	Adv S M Nannaware (Ashok J Diwan)	MA For Condonation of Delay	For Reply	23.8.2023
23	MA571/22 In OASt3060/22	Nanded	Adv.M.D. Godhamgaonkar (Birendrasingh A Bungai)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	26.7.2023
24	MA98/23 In OASt75/23	A'bad	Adv.L.K. Pradhan (Ashok A Keskar)	M.A. For Condonation of Delay	For Reply	12.7.2023

ORIGINAL APPLICATION NO.512/2023
(Jaykumar Ramesh Koli Vs. State of Maharashtra & Ors.)

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

DATE : 30-06-2023

ORAL ORDER :

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

2. Applicant has filed the present O.A. aggrieved by the order dated 22-06-2023 whereby the applicant has been transferred from Railway Police Station, Nandurbar to Railway Police Station, Manmad. It is the grievance of the applicant that he has not completed his ordinary tenure at Nandurbar and in the circumstances was not liable to be transferred from the said station. Learned Counsel for the applicant has relied upon the provisions under the Maharashtra Police Act, more particularly, the provisions under Section 22-N. Learned Counsel further submitted that the applicant has not yet handed over the charge of his existing post and no one has been yet posted in place of the applicant. In the circumstances, the applicant has prayed for interim relief thereby

staying the effect and operation of the impugned order till decision of the present O.A.

3. Learned CPO has opposed the submissions made and the interim relief sought by the applicant. Learned CPO submitted that the applicant was attached to Bhusawal Railway Police and for convenience and on his own request he was then attached to Nandurbar Police Station coming under the Bhusawal Railway Police. Learned CPO submitted that the applicant has completed the entire ordinary period and as such there is no substance in the contentions raised by the applicant that he is being transferred before completing his ordinary tenure at Nandurbar. Learned CPO further submitted that the applicant has not been relieved for the reason that he is on sick leave and the moment he resumes duty, he will be relieved. Learned CPO in the circumstances opposed for grant of interim relief as prayed for by the applicant.

4. I have duly considered the submissions made on behalf of the applicant and the respondents. It is not in dispute that vide order dated 17-10-2020 the applicant was posted at Control Room Railways at

Aurangabad. From Aurangabad on his request, the applicant came to be posted at Nandurbar vide order dated 15-04-2021. Learned Counsel has invited my attention to the Government Resolution dated 23-04-2010. Clause 8 thereof reads thus:

“क.(८) “तात्पुरते संलग्न करणे” ही कार्यवाही देखील बदली अधिनियमानुसार बदलीच आहे. बदली अधिनियमामध्ये तात्पुरते संलग्न करणे अशी तरतुद नसल्याने कोणताही अधिकारी/कर्मचारी यांना तात्पुरते संलग्न करण्याचे आदेश काढून बदली करण्यात येवू नये. काही विशेष कारणामुळे या अधिकारी/कर्मचारी यांची तात्काळ बदली करणे आवश्यक असल्यास बदली अधिनियमातील तरतुदीनुसार असे प्रस्ताव लागत नंतरच्या वरिष्ठ प्राधिका-याच्या मान्यतेसाठी सादर करण्यात यावे.”

5. As per the clarification given above, the order dated 15-04-2021 whereby the applicant was posted at Nandurbar must be held to be transferred to the said post though the words are used that, ‘he is attached’ to the said Police Station. It is thus evident that the applicant has completed the period of hardly two years at Nandurbar.

6. Considering the facts as aforesaid, it appears that the applicant has made out a prima facie case.

=4= O.A.NO.512/2023

In the circumstances, I deem it appropriate to pass the following order:

ORDER

7. Issue notice to the respondents returnable on 14-07-2023. **Till then the respondents shall not relieve the applicant from his existing post.**

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

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

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

11. The service may be done by hand delivery, speed post, courier and acknowledgment be

=5= O.A.NO.512/2023

obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

12. S.O. to 14-07-2023.

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

VICE CHAIRMAN

YUK ORAL ORDER 30.06.2023

**ORIGINAL APPLICATION NO. 508 OF 2023
(Smt. Shalini Parshuram Bidarkar Vs. State of
Maharashtra & Ors.)**

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

DATE : 30.6.2023

ORAL ORDER :

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

2. The applicant has filed the present Original Application seeking the following relief: -

“B) To quash and set aside the impugned suspension order dated 13.03.2023 issued by the respondent No.2 placing the applicant under suspension from the post of City Survey Officer, Aurangabad, District Aurangabad.”

The applicant has also sought the following interim relief

“(a) Pending hearing and final disposal of this original application, the impugned suspension order dated 13.03.2023 issued by the respondent No.2 placing the applicant under suspension from the post of City Survey Officer, Aurangabad, District Aurangabad may kindly be stayed and the applicant may be continue on the same post in forthwith, in view

:: - 2 - :: O.A. NO. 508/2023

of this Government Resolution dated 09.07.2019 as the suspension came to end after 90 days.”

3. Learned counsel for the applicant submitted that the applicant had earlier filed O.A. No. 236/2023 seeking quashment of the order of suspension passed against her. The said application was however, disposed of by this Tribunal on 18.4.2023 by giving liberty to the applicant to file appeal against the said order and the respondents were directed to decide the said appeal preferably within the period of 8 weeks’ from the date of submitting appeal by the applicant. Learned counsel submitted that the respondents did not decide the appeal within the given period. Learned counsel further submitted that the respondents have not reviewed the order of suspension though the period of more than 90 days’ has expired from the date on which the order of suspension was passed. Learned counsel, relying on the judgment of the Hon’ble Apex Court in the case of **Ajay Kumar Choudhary Vs. Union of India Through its Secretary & Anr., (2015) 7 SCC 291** and the Government Resolution dated 9th July, 2019 issued on the basis of the said judgment, has prayed for quashment of

the order of suspension and in the alternative to pass an order thereby directing the respondents to reinstate the applicant.

4. Shri N.U. Yadav, learned Presenting Officer submitted that according to the instructions received to the office of Chief Presenting Officer, the charge-sheet will be served on the applicant within 8 days' from today and the review would also be taken by the competent authority of the order of suspension passed against the applicant within the same period i.e. 8 days'. Learned Presenting Officer submitted that there were compelling circumstances because of which it may not become possible for the respondents to prepare and get approved the charge-sheet to be served upon the applicant. Learned Presenting Officer submitted that considering the serious charges against the applicant the respondents be given time of 10 days' to serve charge-sheet on the applicant and to take review of the order of suspension passed against her.

5. I have duly considered the submissions made on behalf of the applicant, as well as, the respondents.

:: - 4 - :: O.A. NO. 508/2023

6. The applicant has been suspended vide order passed on 13th March, 2023. As has been mandated by the Hon'ble Apex Court in the case of Ajay Kumar Choudhary Vs. Union of India Through its Secretary & Anr., (cited supra), the respondents must serve the statement of charge upon the applicant within 90 days from the date of his or her suspension. The Hon'ble Apex Court has further mandated that the review of the order of suspension has also to be taken within the period of 90 days' and thereafter periodically if the suspension is to be continued by recording reasons therefor. Based on the said judgment the Maharashtra Government has issued a Government Resolution dated 9th July, 2019, it reads thus, “”

“महाराष्ट्र नागरी सेवा (शिस्त व अपील) १९७९
निलंबित शासकीय सेवकांना ९० दिवसांच्या
कालावधीत दोषारोप पत्र बजावणेबाबत

महाराष्ट्र शासन
सामान्य प्रशासन विभाग
शासन निर्णय क्र. निप्रआ-११८/प्र.क्र.११/११अ
मंत्रालय, मुंबई- ४०० ०३२
दिनांक : .०९ जुलै, २०१९

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शासन निर्णय:-

१. या अनुषंगाने शासकीय कर्मचाऱ्यांच्या निलंबनाचा आढावा घेण्यासंदर्भात पुढीलप्रमाणे सूचना देण्यात येत आहेत.

i) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले आहे, अशा प्रकरणी निलंबन केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेऊन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) सक्षम प्राधिकार्याच्या स्तरावर घेण्यात यावा.

ii) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले नाही, अशा प्रकरणी मा. सर्वोच्च न्यायालयाचे आदेश पाहता, निलंबन समाप्त करण्याशिवाय अन्य पर्याय राहत नाही. त्यामुळे निलंबित शासकीय सेवकांबाबत विभागीय चौकशीची कार्यवाही सुरु करून दोषारोप पत्र बजावण्याची कार्यवाही निलंबनापासून ९० दिवसांच्या आत काटेकोरपणे केली जाईल याची दक्षता/खबरदारी घेण्यात यावी.

iii) फौजदारी प्रकरणात विशेषतः लाचलुचपत प्रकरणी निलंबित शासकीय सेवकांवर विभागीय चौकशी सुरु करून दोषारोप पत्र बजावणेबाबत आवश्यक तो अभिलेख लाचलुचपत प्रतिबंधक विभागाने संबंधीत प्रशासकीय विभागास उपलब्ध करून देणे आवश्यक राहिल.

या आदेशातील तरतुदीमुळे या विषयावरील संदर्भ १ व २ येथील आदेशांतील तरतुदी या आदेशाच्या मर्यादेत सुधारण्यात आल्या आहेत असे समजण्यात यावे.

३. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर उपलब्ध करण्यात आला असून त्याचा संगणक संकेतांक २०१९०७०९१५२०४०५२०७ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षात्कृत करून काढ्यात येत आहे.”

7. It is not in dispute that 90 days' are over after passing of the order of suspension. It is further not in dispute that till today the statement of charge is not served upon the applicant nor review has been taken by the reviewing authority of the said order of

suspension. In the circumstances, though now the respondents have come out with a prayer that within 8 days' the charge sheet would also be served upon the applicant and review would also be taken and hence, have prayed for such extension, in view of the mandate given by the Hon'ble Apex Court and having regard to the Government Resolution dated 9th July, 2019, it may not be possible to concede the request of the respondents. In view of the facts mentioned as aforesaid the applicant has certainly made out a *prima facie* case and her suspension cannot be permitted to be continued henceforth.

8. As has been clarified by the Hon'ble Apex Court in the judgment of Ajay Kumar Choudhary Vs. Union of India Through its Secretary & Anr. (cited supra), the Government is free to transfer the applicant to any department in any of its office or on any suitable place whether she can be transferred, so that there may not be any possibility of misuse of her post by the applicant in influencing witness or manipulating evidence which is likely to come in the enquiry. However, in no case the respondents can be permitted to keep the applicant under suspension henceforth. Hence, the following interim order is passed:-

:: - 7 - :: O.A. NO. 508/2023

INTERIM ORDER

(i) The respondents shall reinstate the applicant forthwith at the suitable place keeping in view of the observations made by the Hon'ble Apex Court in the judgment of Ajay Kumar Choudhary Vs. Union of India Through its Secretary & Anr. (cited supra) and by this Tribunal also in the aforementioned paragraph.

(ii) Issue notices to the respondents, returnable on 21.7.2023

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

(iv) 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.

(v) 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.

(vi) The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

:: - 8 - :: O.A. NO. 508/2023

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

(vii) S.O. to 21.7.2023.

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

VICE CHAIRMAN

ORAL ORDER 30.6.2023-HDD

ORIGINAL APPLICATION NO. 514 OF 2023
(Shri Sunil A. Malkar Vs. the state of Maharashtra & Ors.)

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

DATE : 30.06.2023

ORAL ORDER :

Heard Shri Mohit R. Deshmukh, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 28.7.2023.

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 28.7.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 513 OF 2023
(Jaya Dhondiba Konkewar Vs. the state of Maharashtra & Ors.)

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

DATE : 30.06.2023

ORAL ORDER :

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

2. S.O. to 03.07.2023.

VICE CHAIRMAN

SAS ORAL ORDER 30.06.2023

M.A. NO. 288/2023 WITH O.A. NO. 440/2023
(Dr. Natharao N. Phad Vs. the State of Maharashtra & Ors.)

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

DATE : 30.6.2023

ORAL ORDER :

Heard Smt. Poonam Bodke Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The applicant has filed the Original Application No. 440/2023 praying for direction against the respondents not to treat the applicant as the Medical Officer, Group-B category and by holding him as the Officer in Group-A the transfer orders be effected. After filing of the Original Application the transfer orders have been issued. In the circumstances, the applicant has filed the present Misc. Application seeking leave to incorporate the subsequent facts and bring them on record and also to make the additional prayer in that regard.

3. The learned counsel for the applicant further submitted that the applicant is willing to join at his transferred place. However, in view of the orders

::-2-::

**M.A. NO. 288/2023
WITH O.A. NO. 440/2023**

passed by this Tribunal, which have attained the finality, the applicant cannot be treated as the Officer falling in Group-B category. The learned counsel submitted that in the order of transfer the pay scale of the applicant has been reduced. The learned counsel submitted that in M.A. No. 250/2023 in O.A. No. 437/2023 dated 14.6.2023 this Tribunal in the similar circumstances has granted interim relief to the applicant therein to the effect that 'the transfer order be effected in accordance with law without affecting the pay scale of the applicant which he is already drawing till filing of reply'. The learned counsel has prayed for similar interim order in the present matter also.

4. The learned C.P.O. fairly conceded for partly allowing the present Misc. Application to the extent of amendment. The learned C.P.O., however, has opposed for granting any interim order as submitted by the applicant and submits that within 2 weeks respondents will file the affidavit in reply.

::-3-:: **M.A. NO. 288/2023**
WITH O.A. NO. 440/2023

5. The amendment sought is in consonance with the prayers made in the O.A. and based on the subsequent events, I am, therefore, inclined to allow the present Misc. Application. I have also gone through the orders passed by this Tribunal in M.A. No. 250/2023 in O.A. No. 437/2023. The facts involved in the said matter and the facts existing in the present matter are identical. In the circumstances, the applicant has made out a prima-facie case to consider his case to grant similar relief in his favour. Hence, the following order :-

ORDER

- (i) The present Misc. Application stands allowed without any order as to costs.
- (ii) Amendment as sought for is allowed. The amendment be carried out forthwith and copy of amended O.A. be supplied to the learned P.O. immediately.
- (iii) Respondents are granted time for filing the affidavit in reply in O.A. till 20.7.2023.

**::-4-:: M.A. NO. 288/2023
WITH O.A. NO. 440/2023**

(iv) The interim relief is granted to the effect that the transfer order be effected in accordance with law without affecting the pay scale of the applicant, which he is already drawing till filing of the affidavit in reply by the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 30.6.2023

M.A. NO. 228/2023 WITH O.A. NO. 360/2023
(Shri Vilas D. Ambhore Vs. the State of Maharashtra & Ors.)

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

DATE : 30.6.2023

ORAL ORDER :

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

2. The learned counsel for the applicant has produced the written pursis under the signature of the applicant contending therein that he is not willing to prosecute his Misc. Application and Original Application further and sought permission to withdraw the same. Hence, the following order :-

ORDER

Misc. Application, as well as, Original Application stand disposed of since withdrawn by the applicant. There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 1148/2021
(Manoranjan M. Gatkal Vs. the State of Maharashtra & Ors.)

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

DATE : 30.6.2023

ORAL ORDER :

Shri Amol Gandhi, learned counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 11.9.2023 in the Regular Admission category.

VICE CHAIRMAN

M.A. NO. 275/2023 WITH O.A. ST. NO. 1090/2023
(Shri Rajendra A. Khilari & Ors. Vs. the State of Maharashtra & Ors.)

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

DATE : 30.6.2023

ORAL ORDER :

Heard Shri Ajinkya Kale, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The learned counsel for the applicants has sought leave to withdraw the present Misc. Application, as well as, Original Application with liberty to raise the grievance, which has been raised in the present matters before the appropriate forum. In view of the submissions so made, the following order is passed :-

ORDER

Misc. Application, as well as, Original Application stand disposed of since withdrawn with liberty as prayed for. There shall be no order as to costs.

VICE CHAIRMAN

M.A. NO. 285/2023 IN O.A. ST. NO. 1119/2023
(Shri Sunil G. Jadhav Vs. the State of Maharashtra & Ors.)

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

DATE : 30.6.2023

ORAL ORDER :

Heard Shri Ashish Rajkar, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in the present Misc. Application, returnable on 18.8.2023.

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

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

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

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

7. S.O. to 18.8.2023.

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

VICE CHAIRMAN