

**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: -04/07/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Order Matters						
12	MASt909/23 In OA299/23	Nanded	Adv.V.B. Wagh (Shivprasad B Khedkar) <u>Adv.Suhas P Urgunde/Adv.Priya R Bharaswadkar in OA299/23</u> (Mayur M Mahajan) <u>Adv.V.B. Wagh For R.No.3</u>	M.A. For Adding Party	With Office Objection	31.7.2023
Due Admission Matters						
13	OA165/20	A'nagar	Adv.V.B. Wagh (Babu D Ghute) <u>Adv.A.D. Gadekar for R.No.2</u>	Interest on Delayed Payments	For Hearing Reply Filed by R-2	27.7.2023
14	OA307/22	Beed	Adv.Kakasaheb B Jadhav (Chandrabhan V Veer)	Medical Re- imbursement	For Hearing Reply Filed by R-1, R-2 & R-5 to R-8	10.8.2023
15	OA382/22 with	Jalna	Adv.R.A. Joshi (Rajendra R Shah)	Time Bound Promotion/ Benefit of G.R.	For Hearing	27.7.2023
16	OA383/22 with	A'bad	Adv.R.A. Joshi (Gangadhar R Muley)	Time Bound Promotion/ Benefit of G.R.	For Hearing	
17	OA384/22 with	A'bad	Adv.R.A. Joshi (Suresh L Ghule)	Time Bound Promotion/ Benefit of G.R.	For Hearing	
18	OA385/22	A'bad	Adv.R.A. Joshi (Yuvraj S Kalshetty)	Time Bound Promotion/ Benefit of G.R.	For Hearing	

19	OA31/23	Jalna	Adv.V.U. Pawar (Dr. Vivek B Khatgaonkar) <u>Adv.P.B. Vikhe Patil for</u> <u>R.No.3</u>	Suspension	Reply Filed by Respondent	27.7.2023
Final Hearing Matters						
20	OA117/15 with	A'bad	Adv.Jayant B Choudhary (Ganendrasingh B Chandel & Ors)	Regularisation	Reply filed By R-1 to R-3	29.8.2023
21	OA205/15 with	Jalna	Adv.Jayant B Choudhary (Sainath L Todkar & Ors)	Regularisation	Reply filed By R-1 to R-6	
22	OA396/15 with	Jalna	Adv.Jayant B Choudhary (Sajid Mahammad Deshmukh & Ors)	Regularisation	Reply Filed By R-1 to R-6	
23	OA410/15 with	Jalna	Adv.Jayant B Choudhary (Jitendra J Bangar)	Continuation	Reply filed By R-1 to R-4	
24	OA416/15 with	Dhule	Adv.Jayant B Choudhary (Yogesh P Jagdale & Ors)	Regularisation	Reply filed By R-1 to R-4	
25	OA442/15 with	Beed	Adv.Jayant B Choudhary (Deepak R Kharatmal)	Continuation	Reply filed By R-1 to R-4	
26	OA453/15 with	Beed	Adv.Jayant B Choudhary (Vijay R Bhutke & Ors)	Continuation	Reply filed By R-1 to R-6	
27	OA463/15 with	Nanded	Adv.Jayant B. Choudhary (Yogesh R Somwanshi & Ors)	Termination	Reply filed By R-1 to R-3	
28	OA479/15 with	A'nagar	Adv.Jayant B Choudhary (Rajendra P Jain)	Continuation	Reply filed By R-1 to R-4	
29	OA484/15 with	Jalgaon	Adv.Jayant B. Choudhary (Nitin J Patil & Ors)	Regularization	Reply filed By R-1 to R-4	

30	OA542/15 with	Dhule	Adv.Jayant B Choudhary (Babasaheb Y Kolhe & Ors)	Regularization	Reply filed By R-1 to R-4	29.8.2023
31	OA571/15 with	Nanded	Adv.M.A. Kulkarni (Shreerang D. Waghmare & Ors)	Continuation		
32	OA590/15 with	Jalgaon	Adv.Jayant B Choudhary (Madan PL. Gangurde & Ors.)	Continuation		
33	OA611/15 with	Jalgaon	Adv.M.A. Kulkarni (Karbhari N Shinde)	Continuation		
34	OA613/15 with	A'nagar	Adv.Jayant B Choudhary (Atish S Harel)	Continuation	Reply filed By R-1 to R-4	
35	OA621/15 with	A'nagar	Adv.Jayant B Choudhary (Bhaginath W Pagare & Ors)	Continuation		
36	OA686/15 with	Jalgaon	Adv.Jayant B Choudhary (Sunil M Marsale & Ors.)	Continuation		
37	OA731/15 with	Jalna	Adv.A.M. Kulkarni (Paramver V. Waghmare & Ors.)	Continuation		
38	OA594/15 with	A'bad	Adv.S. B. Sant (Urvela N Pawar)	Continuation	Reply filed By R-1 to R-3	
39	OA643/15 with	Latur	Adv.H. A. Joshi (Shivaji V Deshmukh)	Continuation		
40	OA2/16 with	P'bhani	Adv.Jayant B Choudhary (Ganesh R Thigale)	Continuation		
41	OA5/16 with	Jalgaon	Adv.A. M. Kulkarni (Appasaheb B Ugale)	Regulariation	Reply filed By R-1 to R- 3	

42	OA171/16 with	Dhule	Adv.Jayant B Choudhary (Prmod K Gorkhe)	Appointment	Reply filed By R-1 to R-4	29.8.2023
43	OA441/16 with	Jalna	Adv.Suresh D Dhongde (Manoj D Bhivsankar)	Continue Service		
44	OA258/16 with	Latur	Adv.H.A.Joshi (Ashish P Kapse)	Regularisation	Reply filed By R-1 to R-3	
45	OA519/16	Latur	Adv.H.A. Joshi (Onkar A Kale)	Regularisation	Reply filed By R-1 to R-3	
46	OA83/20	N'bar	Adv.Kakasaheb B Jadhav (Devendra I Sonar) <u>Adv.Y.M. Patil For R.No.3</u>	Pay scale/ Benefit of G.R.	Reply Filed by R-1 to R-3	29.8.2023

Date: -04/07/2023

S.B. For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA505/22	Beed	Adv V B Wagh (Shaikh Nasir Shaikh Miya)	Absorption/ Benefit of Time Bound Promotion	For Filing Affidavit in Rejoinder	31.7.2023
2	OA598/22	O'bad	Adv.Shivraj V Deshmukh (Dilipkumar R Patil)	Direction/ Pay All the Pensionary Benefits	For Filing Affidavit in Rejoinder	8.8.2023
3	OA672/22	Dhule	Adv.Sanjay N. Pagare (Dinesh R. Choudhari)	Minor Punishment	Reply Filed by R-1 to R-4 & For Filing Affidavit in Rejoinder	8.8.2023
4	OA673/22	Dhule	Adv.Sanjay N. Pagare (Dinesh R. Choudhari)	Minor Punishment	Reply Filed by R-1 to R-4 & For Filing Affidavit in Rejoinder	
5	OA674/22	Dhule	Adv.Sanjay N. Pagare (Dinesh R. Choudhari)	Minor Punishment	Reply Filed by R-1 to R-4 & For Filing Affidavit in Rejoinder	

6	OA798/22	Nanded	Adv.K.B. Jadhav (Vittal D Gire)	Counting of Service for Pension & Other Benefits	For Filing Affidavit in Rejoinder	25.8.2023
7	OA948/22	Dhule	Adv.V.B. Wagh (Vilas B Patil)	Benefit of G.R./ Higher Pay Scale	Await Service	25.7.2023
8	OA1140/22	O'bad	Adv.A.S. Shelke (Rameshwar A Harbhare)	Subsistance Allowance/ Pay Fixation/ Salary	For Reply	8.8.2023
9	OA47/23	Beed	Adv Kakasaheb B Jadhav (Anil R Waghmare)	Minor Punishment/ Pay & Allowances	For Reply	11.8.2023
10	OA81/23	A'bad	Adv K B Jadhav (Vaibhav D Wagh & Ors.)	Compassionate Appointment	For Reply	10.8.2023
11	OA349/23	Latur	Adv P R Wankhade (Suresh M Hakke)	Suspension/ Reinstatement	For Reply	8.8.2023
12	OA379/23	Hingoli	Adv S B Jadhav (Vinod V Bandale) Adv A S Reddy For R-3	Refund of Recovered Amount	For Reply	8.8.2023
13	OA392/23	Latur	Adv R K Ashtekar (Vishnu K Kore)	Transfer	For Reply	21.7.2023
14	OA414/23	P'rbn	Adv R A Joshi (Sachising B Chauhav)	Transfer	Await Service R-4	27.7.2023
15	OA431/23	Hingoli	Adv Shamsunder B Patil (Dr. Mohammed A Tinmaswala)	Transfer	For Reply	18.7.2023
16	OA435/23	Jalgaon	Adv Kakasaheb B Jadhav (Vikas K Salve)	Transfer	Await Service	14.8.2023
Order Matter						
17	MA331/22 In MA375/21 In OA489/20	J'gaon	Adv.H.P. Randhir (Subhash O Ghodke)	M.A. For Restoration	For Reply	24.7.2023
18	MA95/23 In OAS192/23	A'nagar	Adv.V.B. Wagh (Sunita D Jarhad)	M.A. For Condonation of Delay	For Reply	25.7.2023

**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: -04/07/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Urgent Admission Matters						
1	MA281/23 In OAS850/23	Beed/ Jalna/ Latur	Adv.Talekar & Associates (Shaikh Rafeek Gabru & Ors.)	M.A. For Sue Jointly		20.7.2023
2	MA286/23 In OAS986/23	Beed	Adv.V.P. Savant (Madhukar D Bhandare)	M.A. For Condonation of Delay		6.9.2023
4	OA466/23	Hingoli	Adv.S.S. Londhe (Bhaskar P Londhe)	Departmental Enquiry		24.8.2023
5	OA500/23	Beed	Adv.V.P. Savant (Amol D Narnale)	Appointment	Circulation	6.9.2023
6	OA523/23	A'bad	Adv.Sachin S Deshmukh (Dnyaneshwar M Pansare)	Selection Process (MPSC)		27.7.2023
7	OA524/23	A'bad	Adv.S.B. Kakde (Suwarnamala S Bikkad)	Selection Process (MPSC)	Circulation	6.7.2023
8	OA526/23	O'bad	Adv.Uddhav L Momale (Govind B Bhokare)	Seniority List	Circulation	6.7.2023
9	MASt1958/22 In MASt1611/22 In OAS1612/22	A'bad	Adv.M.A. Kulkarni (Fakirchand S Thorat & Ors.)	M.A. For Condonation of Delay	With Office Objection	28.7.2023

10	OAS559/23	O'bad	Adv.Ajinkya A Reddy (Uuvraj S Bhosale)	Seniority	With Office Objection	28.7.2023
11	OAS873/23	Nanded	Adv.Sunil B Jadhav (Noor Mohammad Dost Mohammad Pathan)	Major Punishment	with Office Objection	28.7.2023
12	OA360/22	Jalna	Adv.S.B. Bhosale (Anil P Khaladkar) <u>Adv.V.P. Narwade for R.Nos.4 & 5</u>	Examination/ Interview	<u>Circulation</u> Reply Filed by R-1, R-3 R-4 & R-5	27.7.2023
Order Matters						
13	MAST1274/22 In MA35/19 In OAST47/19	Latur	Adv.A.B. Chalak In MASt1274/22 (Rajendra P Ghanwat & Ors.) <u>Adv.Vinod Joshi/Adv.K.B. Jadhav in MA35/19 in OAST47/19</u> (Balraj S Lanjile)	M.A. For Intervention	For Hearing With Office Objection	3.8.2023
14	MA239/23 In MA359/22 In OA729/222	Jalna	Adv.V.B. Wagh in MA239/23 in OA729/22 (Dnyaneshwar B Jadhav & Ors.) Adv.Amol B Chalak in MA359/22 (Pavansing M Chungda & Ors.)	M.A.239/23 For Direction M.A.359/22 For Intervention		6.7.2023
15	MA257/23 In MA563/22 In OA730/22	Beed	Adv.V.G. Pingle In MA257/23 in OA730/22 (Gajanan P Chaudhari & Ors.) <u>Adv.R.A. Joshi For Intervenor in MA563/22</u> (Bhausahab R Bhosale & Ors.)	M.A.257/23 For Direction M.A.563/22 For Intervenor		6.7.2023
High On Board Matters						

16	OA891/18	A'bad	Adv.Party In Person (Dr.Uddhav S Khaire)	Challenging G.R.	Re Hearing Part Heard Reply Filed by R-1 & R-2	8.8.2023
17	OA355/19	Nanded	Adv.D.R. Irale Patil (Nangesh N Unche & Ors.) <u>Adv.Ajay Deshpande for</u> <u>R.Nos.3 to 5</u>	Seniority	Part Heard Reply Filed by R-1 to R-5	4.8.2023
18	OA1044/19	Jalna	Adv.D.A. Bide (Tukaram S Katare)	Termination (Nominee of Freedom Fighter)	For Expedited Hearing Reply Filed by R- 1 to R-6	9.8.2023
19	OA187/20	Dhule	Adv.S.A. Kulkarni (Basanti J Padavi)	Direction/ Declare Result	For Expedited Hearing Reply Filed by R- 2 & R-3	9.8.2023
20	OA547/21	Jalna	Adv.S.D. Dhongde (Jalamsing D Valvi)	Enquiry/ All Pensionery Benefits	High On Board For Hearing Reply Filed by R- 1 & R-2	10.8.2023
Due Admission Matters						
21	CP53/19 In OA207/18 With	J'gaon	Adv.J.S. Deshmukh (Dr.Vinay P Sonavane)	Contempt Petition	For Hearing Reply Filed by R-3	6.9.2023
22	CP54/19 In OA338/17 With	Latur	Adv.J.S. Deshmukh (Dr.Govind K Reddy) <u>Adv.P.R. Tandale for</u> <u>R.No.5</u>	Contempt Petition	For Hearing Reply Filed by R-3 & R-5	
23	CP56/19 In OA421/17 With	Nanded	Adv.J.S. Deshmukh (Dr.Shyamrao L Sawant)	Contempt Petition	For Hearing	
24	CP57/19 In OA335/17 With	Nanded	Adv.J.S. Deshmukh (Dr.Ganpati N Wadekar)	Contempt Petition	For Hearing	

25	CP58/19 In OA23/18 With	Nanded	Adv.J.S. Deshmukh (Dr.Archana C Pergulwar)	Contempt Petition	For Hearing	6.9.2023
26	CP59/19 In OA423/17 with	Nanded	Adv.J.S. Deshmukh (Dr.Pandurang G Pawde)	Contempt Petition	For Hearing	
27	CP60/19 In OA422/17	Hingoli	Adv.J.S. Deshmukh (Dr.Sheshrao M Narwade)	Contempt Petition	For Hearing	
28	CP01/20 In OA824/16	Latur	Adv.Shamsunder B Patil (Dr. Asha A Kadam)	Contempt Petition	For Hearing	31.8.2023
29	CP07/21 In OA768/17	A'bad	Adv.Suchita A Dhongde (Rajan A Lengde) <u>Adv.S.B. Mene for R.Nos. 2 to 4</u>	Contempt Petition	For Hearing Reply Filed by R- 2 to R-4	31.8.2023
30	CP06/23 In OA467/21	A'nagar	Adv.J.S. Deshmukh (Dr. Mohan P Shinde)	Contempt Petition	For Hearing	24.7.2023
31	OA797/16	A'nagar	Adv.C.V. Thombre (Gaurav A Chavan)	Appointment	For Hearing Reply Filed by R- 2 & R-5	24.8.2023
32	OA115/19	A'bad	Adv.Satish P Dhobale (Santosh B Jadhav & Ors.)	Seniority	For Hearing	1.9.2023
33	OA336/19	Beed	Adv.Ashok R Tapse (Anil S Navale)	Termination	For Hearing Reply Filed by R- 4	1.9.2023
34	OA1013/19	A'bad	Adv.S.S. Thombre (Sandeep J More & Ors.)	Promotion	For Hearing	1.9.2023
35	OA183/20	Dhule	Adv.Suresh D Dhongde (Rajendra G Sonawane)	Departmental Enquiry	For Hearing	4.9.2023
36	OA634/21	Nanded	Adv.V.S. Panpatte (Shankar S Waghmare)	Departmental Enquiry/ Major Punishment	For Hearing Reply Filed by R- 1 to R-3 For Filing Affidavit in Rejoinder	4.9.2023

37	OA787/21	A'nagar	Adv.A.S. Khedkar (Raosahb B Gunjal) <u>Adv.Shamsunder B Patil</u> <u>for R.Nos.3 to 5</u>	Revision of Pay Scale	For Admission Reply Filed by R- 1 & R-3 to R-5	5.9.2023
38	OA788/21	A'nagar	Adv.A.S. Khedkar (Sunil D Kulkarni) <u>Adv.Shamsunder B Patil</u> <u>for R.Nos.3 & 4</u>	Revision of Pay Scale	For Admission Reply Filed by R- 1 & R-3 to R-5	5.9.2023
39	OA14/22	P'bhani	Adv.S.S. Thombre (Baburao S Mule & Ors.)	Regularization/ Arrears of Pay Scale	For Hearing	31.8.2023
40	OA19/22	Beed	Adv.J.S. Deshmukh (Bharat B Gujar)	Seniority/ Promotion/ Other Monetary Benefits	For Hearing Reply Filed by R- 3	11.9.2023
41	OA62/22	Beed	Adv.Avinash S Khedkar (Sanjay N Hange)	Show Cause Notices/ Departmental Enquiry	For Hearing Reply Filed by R- 1 to R-4	5.9.2023
42	OA280/22	Beed	Adv.Kakasaheb B Jadhav (Sharad U Malishikare)	Departmental Enquiry	For Hearing Reply Filed by R- 1 & R-2 For Fling Affidavit in Rejoinder	6.9.2023
43	OA691/22	A'nagar	Adv.Avinash S Deshmukh Adv.Avinash S Deshmukh has Filed Leave Note From 03/07/2023 to 05/07/2023 (Dr. Vasant M Garudkar) <u>Adv.J.P. Legal for R.No.3</u>	Appointment	For Hearing Reply Filed by R- 1 to R-3	3.8.2023
Final Hearing Matters3						
44	OA111/13	Nanded	Adv.V.S. Panpatte/ Adv.S.S. Haikude (Gajanan M Shikare) <u>Adv.S.K. Sawangikar</u> <u>for R.No.4</u> <u>Adv.G.J. Kore for</u> <u>R.No.3</u>	Appointment	Reply Filed by R- 2 & R-3	1.9.2023

45	OA461/15	Nanded	Adv.S.S. Thombre (Vijay L Tarode)	Appointment	Reply Filed by R-1 & R-2	1.9.2023
46	OA635/15 with	A'bad	Adv.R.P. Bhumkar (Dr.Sachin R Phadnis)	Challenging G.R.(NPA)	Pending Before Hon'ble High Court	14.9.2023
47	OA21/16 With	P'bhani	Adv.M.R. Kulkarni (Dr.Shaikh Abdul Moiz Abdul Samad)	NPA G.R.	Pending Before Hon'ble High Court Reply filed by R-3	
48	OA618/16 With	Hingoli	Adv.M.R. Kulkarni (Dr.Sachin O Khakare)	Challenging Office Order(NPA)	Pending Before Hon'ble High Court	
49	OA619/16	Hingoli	Adv.M.R. Kulkarni (Dr.Anup R Naik)	Challenging Office Order(NPA)	Pending Before Hon'ble High Court	
50	OA406/16	P'bhani	Adv.Hemant Surve (Vasanta B Rathod)	Appointment	Reply Filed by R-3	5.9.2023
51	OA818/17	A'nagar	Adv.Vivek G Pingle (Ashok M Gaike)	Major Punishment	Reply Filed by R-1 to R-4	1.9.2023
52	OA39/18	J'gaon	Adv.Sandesh R Patil (Ravi S Wankhade)	Seniority	Reply Filed by R-2	5.9.2023
53	OA792/18	A'bad	Adv.J.M. Wagh Patil (Keshav R Bankar)	Seniority/ Direction	Reply Filed by R-4	5.9.2023
54	OA117/19	A'bad	Adv.Prasad D Jarare (Sainath K Matkar)	Promotion	Reply Filed by R-1 to R-3	5.9.2023
55	OA439/19 with	Nanded	Adv.D.R. Irale Patil (Prakash M Ishware) <u>Adv.S.B. Mene for R.No.2</u> <u>Adv.Ajay Deshpande for</u> <u>R.No.4 to 7</u>	Seniority	Reply Filed by R-3 & R-5	4.8.2023

56	MA17/20 In OA1072/19	Latur	Adv.A.S. Deshpande (Ajit S Solanke & Ors.) <u>Adv.D.R. Irale Patil in OA1072/19 for Original Applicant</u> (DnyandeVL Suryawanshi) <u>Adv.S.D. Dhongde for R.No.1 & 2 in OA1072/19</u>	M.A. For Intervention		4.8.2023
57	OA79/20	A'bad	Adv.M.R. Kulkarni (Dr.Naser Ahmed Razvi S Zahiruddin)	Challenging G.R.	Reply Filed by R- 1 to R-3	4.9.2023
58	MA230/20 In OA325/20	Nashik	Adv.K.G. Salunke (Sandip B Thakur)	M.A. For I.R.		4.9.2023
59	OA272/20 With	Nashik	Adv.Vivek G Pingle (Umesh L Dargode)	Appointment	Reply Filed by R-1 & R-2	5.9.2023
60	OA273/20 With	Nashik	Adv.Vivek G Pingle (Kunal D Vadnere)	Appointment	Reply Filed by R-1 & R-2	
61	OA274/20 With	Wardha	Adv.Vivek G Pingle (Rushabh D Gadkari)	Appointment	Reply Filed by R-1 & R-2	
62	OA275/20 With	O'bad	Adv.Vivek G. Pingle (Ganesh R Panchal)	Appointment	Reply Filed by R-1 & R-2	
63	OA276/20 With	Nashik	Adv.Vivek G Pingle (Monika B Khode)	Appointment	Reply Filed by R-1 & R-2	
64	OA277/20 With	Jalgaon	Adv.Vivek G Pingle (Dimpal I Patil)	Appointment	Reply Filed by R-1 & R-2	
65	OA278/20 With	Solapur	Adv.Vivek G Pingle (Sambhaji H Shinde)	Appointment	Reply Filed by R-1 & R-2	
66	OA279/20 With	Sangali	Adv.Vivek G Pingle (Vinayak V Satale)	Appointment	Reply Filed by R-1 & R-2	

67	OA280/20 With	Satara	Adv.Vivek G Pingle (Ravina A Patil)	Appointment	Reply Filed by R-1 & R-2	5.9.2023
68	OA281/21 With	Satar	Adv.Vivek G Pingle (Sumesh B Madane)	Appointment	Reply Filed by R-1 & R-2	
69	OA282/20 With	Jalgaon	Adv.Vivek G Pingle (Ankita P Nannaware)	Appointment	Reply Filed by R-1 & R-2	
70	OA283/20	Nagpur	Adv.Vivek G Pingle (Divya R Wankhede)	Appointment	Reply Filed by R-1 & R-2	
71	OA785/22	A'nagar	Adv.Ajay T Kanawade (Bhaurao M Ghane)	Termination	Reply Filed by R- 3 to R-5	6.9.2023
72	OA774/22 With MA78/23	O'bad	Adv.R.P. Bhumkar (Angad R Shinde)	Seniority list M.A. For Amendment	Reply Filed by R- 1 to R-3	8.8.2023
73	OA826/22 With MA80/23	A'bad	Adv.Talekar & Associates (Mujeebkhan Mehboobkhan Pathan) <u>Adv.Ajay Deshpande For R. No.5</u> <u>Adv.D.R. Shelke For R.No.6</u> <u>Adv.Avi nash Deshmukh for R.Nos.7 to 8</u> <u>Adv.Mahesh S. Deshmukh For R.Nos. 9 to 28</u> <u>Adv.A.D. Sugdare in MA80/23</u> (Prmod B More & Ors.)	Seniority List/ Promotion M.A. For Intervention	Reply Filed by R-1, R-2 & R-5 Additional Affidavit of Reply Filed by R-1 & R- 2 & Intervenors	8.8.2023

**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: -04/07/2023

For Reply Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
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Due Admission Matters						
1	CP23/22 In OA683/19	P'bhani	Adv.K.B. Jadhav (Shivaji M Ghantewad)	Contempt Petition	For Filing Affidavit in Reply	6.9.2023
2	CP43/22 In OA519/21	Beed	Adv.J.M. Murkute (Usha A Gaikwad & Ors.)	Contempt Petition	Await Service	6.9.2023
3	CP1/23 In OA608/18	A'bad	Adv.R.P.Bhumkar (Narendra S.Suryawanshi)	Contempt Petition	For Filing Affidavit in Reply R-1, R-2 & R-4 Ref Order Dtd.09.02.2023	6.9.2023
4	CP04/23 In OA304/18	Hingoli	Adv.J.S. Deshmukh (Sudhakar Mangalkar & 2 Ors.)	Contempt Petition	For Filing Affidavit in Rejoinder	24.7.2023
5	CP32/23 In OA379/18 & Etc.	Latur	Adv Preeti R Wankhade (Dr. Kanchan T Bhaorge & Ors.)	Contempt Petition	For Reply	7.8.2023
6	OA1036/19	N'bar	Adv.Talekar & Associates (Dr.Naresh S Shinde) Adv.Rakesh Jain for R.No.4	Reinstate in Service/ Regularisation	Reply Filed By R-1 to R-3 & For Filing Affidavit in Rejoinder	11.9.2023
7	OA1085/19	Nanded	Adv.A.S. Deshpande (Bhaskar M Taske)	Termination	For Filing Affidavit in Rejoinder to the Reply Filed By R-2 Ref Order Dtd. 21.03.2023	11.9.2023
8	OA42/22	Dhule	Adv.S.S. Kulkarni/ Adv.A.B. Kulkarni (Surendranath B Shinde) Adv.S.D. Kotkar for R.No.17	Promotion	For Taking Necessary Steps Await Serve R-6 to 8,13,14,16 18,27,29,32,33, 37,39 to 45,48,51,53,61, & 68.	11.9.2023
9	OA240/22	O'bad	Adv C V Dharurkar (Ankij P Sawai) Adv S B Solanke For R-4	Qualification	As a Last Chance For Filing Affidavit in Reply	11.9.2023

10	OA582/22	O'bad	Adv.S.A. Nagarsoge (Dr. Shrikant B Balwande) <u>Adv.B.B. Bhise for R.No.4</u>	Departmental Enquiry	For Filing Affidavit in Rejoinder to the Affidavit in Reply Filed By R-1 to R-3	12.9.2023
11	OA613/22	A'bad	Adv.R.D. Khadap (Rahul D Sathe) <u>Adv.A.S. Deshmukh for R.Nos.6, 8, 11 to 13, 15, 17, 22, 24 & 26 to 28</u> <u>Adv.A.D. Sugdare for R.No.29</u>	Examination/ Appointment	One More Last Chance For Filing Affidavit in Reply	31.8.2023
12	OA1114/22	O'bad	Adv.K.B. Jadhav (Pramod N Kusneniwar) <u>Adv V P Narwade For R-3</u> <u>Adv Ajinky S Reddy For R-4</u>	Departmental Enquiry	As a Last Chance For Filing Affidavit in Reply R-3	22.8.2023
13	OA10/23	J'gaon	Adv.A.B. Girase (Rahul S Chavhan)	Direction/ Appointment	As A Last Chance For Filing Affidavit in Rejoinder	31.8.2023
14	OA89/23 with	Mumb ai Etc.	Adv.P.R. Wankhade (Dr.ARUn K Rathod & Ors.)	Selection of Process	For Filing Affidavit in Reply	14.8.2023
15	OA90/23 with	K'pur	Adv.P.R. Wankhade (Dr.Zahir Ahmed Kutubddin Patwekar & Ors.)	Regularization & Challenging the Advertisement	For Filing Affidavit in Reply	
16	OA91/23 with	Sangli	Adv.P.R. Wankhade (Dr. Madhav G Kumbhar & Ors.)	Appointment	For Filing Affidavit in Reply	
17	OA92/23 with	Sangal i	Adv.P.R. Wankhade (Dr.Yashvant C Shende)	Appointment	For Filing Affidavit in Reply	
18	OA93/23 with	Mumb ai Etc.	Adv.P.R. Wankhade (Dr.Bhushan B Wankhade)	Challenging Advertisement	For Filing Affidavit in Reply	

19	OA94/23 with	S'pur	Adv.P.R. Wankhade (Dr. Hemlata D Patil @ Dr. Hemlata S Desai)	Challenging Advertisement	For Filing Affidavit in Reply	14.8.2023
20	OA95/23	K'pur	Adv.P.R. Wankhade (Dr. Kedarnath G Patil)	Appointment	For Filing Affidavit in Reply	
21	OA263/23	A'bad	Adv V G Pingle (Vinesh V Maher)	Reversion	For Reply	30.8.2023
22	OA342/23	Latur	Adv A S Deshmukh <u>Adv A S Deshmukh Has Filed Leave Note From 30.06.2023 & 03.07.2023 to 05.07.2023</u> (Raju B Thakur)	Promotion	For Reply	6.9.2023
23	OA347/23	Beed	Adv Kakasaheb B Jadhav (Baban R Zagade)	Counting of Earlier Temporary Service	For Reply	6.9.2023
24	OA364/23	O'bad	Adv A S Bayas (Dilip R Adatrao)	Selection Process	Await Service For R-4	31.8.2023
25	OA294/23	Nanded	Adv Kiran G Salunke (Ansari Abdul Ahmed Gulam Mahammed)	Promotion	For Reply	7.8.2023
26	OA295/23	Jalna	Adv Kiran G Salunke (Farooqui Mohammad Ajjuzuddin Nazerodidin)	Promotion	For Reply	7.8.2023
27	OA296/23	P'bhani	Adv.K.G. Salunke (Bhagwan N Bodkhe) <u>Adv Mahish P Tripati</u> <u>For R-4</u>	Promotion	For Reply	7.8.2023
28	OA507/23	A'bad	Adv Sachin S Deshmukh (Mamta B Ghayal)	Selection Process (MPSC)	Await Service	6.7.2023
Order Matters						
29	MA60/20 In OASt2451/19	Dhule	Adv.R.D. Khadap (Priti V Sangolkar)	M.A. For Condonation of Delay	Await Service	24.8.2023
30	MA81/20 In OASt2435/19	Beed	Adv.A.D. Gadekar (Dipali N Kulkarni)	M.A. For Condonation of Delay	For Filing Affidavit in Rejoinder	11.9.2023

17	MA363/21 In OAS1149/21	Latur	Adv.K.M. Nagarkar (Ramling M Bansode) <u>Adv.Ajinkya Reddy For R.Nos.3 & 4</u>	M.A. For Condonation of Delay	For Filing Affidavit in Rejoinder	24.8.2023
18	MA85/22 In OAS1790/21	A'bad	Adv.A.V. Thombre (Anil B Chavan)	M.A. For Condonation of Delay	As a Last Chance For Filing Affidavit in Rejoinder	24.8.2023
19	MA275/22 In OA432/20	Beed	Adv Suhas R Shirsat (Sanjay R Rajput & Ors.)	M.A. For Amendment	For Reply	25.8.2023
20	MA375/22 In OAS1210/22	Dhule	Adv.S.N. Suryawnashi (Abhiman G Saindane)	M.A. For Condonation of Delay	As a Last Chance For Filing Affidavit in Rejoinder	25.8.2023
21	MA09/23 In OAS134/23	P'bhani	Adv.S.D. Joshi (Mahendra A Kadam)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	5.9.2023
22	MA210/23 In OA259/23	A'nagar	Adv V B Wagh (Sunita D Jarhad)	M.A For Condonation of Delay	For Reply	5.9.2023

M.A. No. 281/2023 in O.A. St. No. 850/2023
(Shaikh Rafeek Gabru & Ors. Vs. State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 04.07.2023

ORAL ORDER :

Shri S.B. Talekar, learned counsel for the applicants (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 20.07.2023.

VICE CHAIRMAN

KPB ORAL ORDER 04.07.2023

M.A. No. 286/2023 in O.A. St. No. 986/2023
(Madhukar D. Bhandare Vs. State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 04.07.2023

ORAL ORDER :

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

2. Issue notices to the respondents in M.A., returnable on 06.09.2023.
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 06.09.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 531/2023
(Dr. Manohar K. Shelake Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2023

ORAL ORDER :

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

2. The applicant has been transferred vide impugned order of transfer dated 30.06.2023 as Assistant Professor at Forensic Medicine Department of Government Medical College, Shindhudurg from his existing post of Assistant Professor at Forensic Medicine Department of Government Medical College, Aurangabad. It is the case of the applicant that though he has not yet completed his ordinary tenure at the existing place, he has been transferred. It is the further grievance that before effecting transfer of the applicant no options were called for, though the guidelines issued vide G.R. dated 09.04.2018 specifically provide for that. It is the further case of the applicant that his son is suffering from autism and that is also a reason for which the applicant is opposing his transfer at Sindhudurg. It is further case of the applicant that his wife who is working as Senior Resident in Biochemistry Department in Government Medical College at Aurangabad. For all these reasons

the applicant has prayed for his retention at Aurangabad and has opposed his impugned transfer order. The applicant submits that though he has been relieved from his existing post, no one has yet been posted in his place.

3. Learned P.O. has sought time to file affidavit in reply. Learned P.O. submitted that presently he has no oral instructions from the respondents so she is unable to make any statement as about the facts stated in the O.A. by the applicant and in the arguments advanced by learned counsel for the applicant. Learned P.O. however submitted that when the applicant has been already relieved it may not be proper to grant any interim relief as has been asked for by the applicant.

4. I have duly considered the submissions advanced on behalf of the applicant, as well as, respondents. I have also gone through the guidelines issued vide G.R. dated 09.04.2018. It is the contention of the applicant on oath that the guidelines are not at all followed before effecting the transfer of the applicant. Learned P.O. submitted that she is unable to make statement on the facts for want of instructions. However, at present I see no reason to disbelieve the facts as stated by the applicant on oath. Apparently it appears that the

//3// O.A. No. 531/2023

applicant has been transferred at faraway place from his existing place. The fact that the applicant is having son suffering from autism and another fact that wife of the applicant is working as Senior Resident in Biochemistry Department in Government Medical College at Aurangabad, the applicant has made out a prima-facie case. Though the applicant has been relieved, no one has been posted in place of the applicant. In the circumstances, no prejudice is likely to be caused to the respondents, if the applicant is permitted to be continued in his existing post till filing of the affidavit in reply by the respondents. Hence, the following order :-

ORDER

- i. Issue notices to the respondents, returnable on 25.07.2023, **till then the respondents shall allow the applicant to work on his existing post.**
- 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)

//4// O.A. No. 531/2023

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. S.O. to 25.07.2023.

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

VICE CHAIRMAN

KPB ORAL ORDER 04.07.2023

ORIGINAL APPLICATION NO. 469/2023
(Santosh P. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2023

ORAL ORDER :

Shri U.P. Giri, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Await service of notices upon the respondents.
3. S.O. to 12.07.2023

VICE CHAIRMAN

KPB ORAL ORDER 04.07.2023

**M.A.NO. 270/2023 IN O.A.ST.NO. 806/2023
(Amol Ramakant Kulthe Vs. State of Mah. & Ors.)**

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

DATE : **04.07.2023**

ORAL ORDER :

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

2. Issue notices to the respondents on application for condonation of delay, 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

**M.A.NO. 278/2023 IN O.A.ST.NO. 877/2023
(Smt. Sunita S. Pophale Vs. State of Mah. & Ors.)**

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

DATE : 04.07.2023

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents on application for condonation of delay, 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

**ORIGINAL APPLICATION NO. 494 OF 2023
(Savita Nagesh Shalgar Vs. State of Mah. & Ors.)**

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

DATE : **04.07.2023**

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 18.7.2023.

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 18.7.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 505 OF 2023
(Rajendra Uttam Patil Vs. State of Mah. & Ors.)**

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

DATE : **04.07.2023**

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 8.8.2023.

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 8.8.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1054 OF 2023
(Kamaji Maroti Thombare Vs. State of Mah. & Ors.)**

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

DATE : **04.07.2023**

ORAL ORDER :

Heard Shri S.S. Randive, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents subject to office objection, returnable on 3.8.2023.

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 3.8.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 527 OF 2023
(Smt. Vidya W/o Ankushrao Mohite Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2023

ORAL ORDER :

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

2. It is the grievance of the applicant that she has been transferred at a place for which she has not given option. Shri K.G. Salunke, learned counsel appearing for the applicant submitted that the norms laid down vide Government Resolution dated 9.4.2018 are not followed while transferring the applicant vide impugned order. Learned counsel submitted that the applicant has not yet been relieved from her existing post. In the circumstances, request is made for grant of interim relief, thereby directing the respondents not to relieve the applicant from her existing post till the affidavit in reply is filed by the respondents.

3. Learned Chief Presenting Officer has opposed the prayer made on behalf of the applicant for grant of any interim relief. Learned C.P.O. submitted that according to the seniority and administrative need the transfers are effected. He further submitted that no prejudice is likely to be caused to the applicant because of her transfer vide the impugned order. It is further contended that another officer is already appointed in place of the applicant and, as such, no interim relief can be granted in the present matter.

4. I have duly considered the submissions made on behalf of the applicant, as well as, the respondents. I have also gone through the documents placed on record.

5. It is true that certain norms are laid down vide G.R. dated 9.4.2018. However, considering the nature of the directions issued it can be reasonably inferred that these are the guidelines issued by the Government and as far as possible the said guidelines are to be followed. Though it is the grievance of the applicant that she has been transferred from Georai Kuber to Social Forestry

Khultabad, nothing has been pleaded as about the prejudice likely to be caused because of such transfer. Moreover, an another Government servant has been already given posting in place of the applicant. As such, I did not find any *prima facie* case in favour of the applicant. In the circumstances, the following order is passed: -

ORDER

- (i) Issue notices to the respondents, returnable on 19.7.2023.
- (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.

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O.A. NO. 527/2023

(vi) The respondents shall place on record the relevant record on which they are relying in their affidavit in reply, so that it may facilitate for early disposal of the matter.

(vii) S.O. to 19.7.2023.

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

VICE CHAIRMAN

ORAL ORDER 04.07.2023-HDD

**ORIGINAL APPLICATION NO. 435 OF 2023
(Vikas Kalu Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 04.07.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicant, reissue notices to the respondents, returnable on 14.8.2023.

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 14.8.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 528 OF 2023
(Prataprao Kautik Patil Vs. State of Maharashtra
& Ors.)**

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

DATE : 04.07.2023

ORAL ORDER :

Heard Shri Mahesh S. Deshmukh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that though he is due for retirement on 31.8.2023 on attaining the age of superannuation the respondents have transferred him from his existing post to the post of Deputy Director, District Statistical Office. Shri M.S. Deshmukh, learned counsel appearing for the applicant submitted that it is the policy of the State Government which has been followed since long that a person due for retirement within few months, is ordinarily to be retained at the same post. Certain guidelines provide that if such candidate desires, he can be posted at the place near to his native place when his retirement is in near future. In the present matter it is specific contention of the applicant that

the post on which now he has been appointed by way of transfer, he is not having work experience and sufficient knowledge to carry out the duties of the said post. In the circumstances, it is the request of the applicant that he shall not be disturbed and shall be retained at his existing post and shall be permitted to retire from the said post itself.

3. Learned counsel appearing for the applicant invited my attention to the recommendation made by the District Collector for retention of the applicant on his existing post. Learned counsel, in the circumstances, has prayed for disposing of this matter at the admission stage itself.

4. Learned Presenting Officer submits that no sufficient instructions are received in the matter. He has, therefore, prayed for some time to take instructions and to file affidavit in reply.

5. On making a query, whether the applicant has been relieved from his existing post, learned Presenting Officer submitted that the applicant has not yet been relieved. He has further informed that

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O.A. NO. 528/2023

no one has been posted in place of the applicant. In the circumstances, the following order is passed: -

ORDER

(i) Respondent No. 1 is directed to consider the request of the applicant for his retention on the existing post within two weeks, having regard to the fact that the applicant shall be retiring on 31.8.2023. Till then the applicant shall be allowed to discharge his duties on the existing post.

(ii) S.O. to 19.7.2023.

VICE CHAIRMAN

ORAL ORDER 04.07.2023-HDD

- 1. ORIGINAL APPLICATION NO. 537 OF 2023**
(Dr. Snehalata T. Yellambkar Vs. State of Mah. & Ors.)
- 2. ORIGINAL APPLICATION NO. 538 OF 2023**
(Dr. Asma F. Abdul Quadeer Vs. State of Mah. & Ors.)
- 3. ORIGINAL APPLICATION NO. 539 OF 2023**
(Dr. Shaikh Junaid Minhaj Mobin Ahmed Vs. State of Mah. & Ors.)

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

DATE : 04.07.2023

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicants and S/Shri M.S. Mahajan, M.P. Gude & N.U. Yadav, learned Chief Presenting Officer and learned Presenting Officers for the respective respondents in respective matters.

2. Since in all these three matters objections, as well as, issues raised are identical, I have heard all these matters together and deem it appropriate to pass common order in all these matters.

3. It is the grievance of all three applicants that they have been abruptly transferred without following the procedure prescribed under the

::-2-::

O.A. NOS. 537, 538 & 539/2023

Maharashtra Government Servants regulation of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short 'the Transfer Act of 2005'), as well as in violation of the guidelines time to time issued in this regard.

4. The applicant in O.A. No. 537/2023 was directly appointed as an Assistant Professor, Ophthalmology on 16.3.2016 and was posted at Government Medical College, Aurangabad. Vide the impugned order she has been transferred as an Assistant Professor at Vilasrao Deshmukh Government Medical College at Latur.

5. The applicant in O.A. No. 538/2023 was also directly appointed as an Assistant Professor in Ophthalmology on 16.3.2016 and was posted at Government Medical College, Aurangabad. Vide the impugned order she has been transferred as an Assistant Professor to Pune.

6. The applicant in O.A. No. 539/2023 was appointed as an Assistant Professor on 30.11.2015 directly at Government Medical College at

Aurangabad in general surgery. Vide impugned order he has been transferred to Dhule.

7. Ms. Preeti R. Wankhade, learned counsel appearing for the applicants submitted that last year i.e. in the year 2022 the list of officers liable to be transferred was published and in the said list names of none of these applicants had figured. Learned counsel further submitted that for the year 2023 the respondents did not publish any such list of the officers liable to be transferred. Learned counsel further submitted that as provided under clause 2 of sec. 4 of the Transfer Act, 2005, the competent authority has to prepare every year in the month of January the list of Government servants due for transfer, in the month of April & May in the year, but no such list was published. Learned counsel submitted that neither there is any appropriate compliance of the provisions under sub-section 3 of section 4 of the Transfer Act, 2005. Learned counsel submitted that there are certain personal compulsions for every applicant to oppose these transfers. Learned counsel further submitted that according to the applicants they are not yet relieved

from their existing posts, nor there are appointments in their places. In the circumstances, the learned counsel has prayed for staying the effect and operation of the impugned orders till the decision of the present O.As.

8. Shri Mahajan, learned Chief Presenting Officer appearing for the respondent authorities strongly opposed for grant of any interim relief in favour of any of these applicants. Learned C.P.O. submitted that transfer is an incident of Government service and all these applicants are liable to be transferred at any place in the State. Learned C.P.O. submitted that all these applicants are transferred on administrative grounds and in consultation with the Civil Services Board and their orders of transfer are approved by the competent authorities. Learned CPO further submitted that all these applicants are relieved from their respective posts, yesterday itself. In the circumstances, learned CPO sought time to file detailed affidavit in reply and prayed for rejecting the request for interim relief.

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O.A. NOS. 537, 538 & 539/2023

9. I have duly considered the submissions made on behalf of the applicants, as well as, the respondents. I have also gone through the documents placed on record, as well as, provisions under the Transfer Act, 2005.

10. Clauses 2, 3 & 4 of the impugned orders in all these OAs are similar. I deem it appropriate to reproduce those clauses herein below :-

२. उपरोक्त तक्त्यातील बदल्या प्रशासकीय कारणास्तव करण्यात येत असल्याने त्यांना नियमानुसार प्रवासभत्ता व पदग्रहण अवधी अनुज्ञेय आहे.

३. उपरोक्त तक्त्यातील बदल्या महाराष्ट्र शासकीय कर्मचा-यांच्या बदल्यांचे विनियमन आणि शासकीय कर्तव्य पार पाडताना होणा-या विलंबास प्रतिबंध कायदा २००५ मधील कमल ४(१),(२), व (३) मधील तरतुदींचा अवलंब करून करण्यात येत आहे.

४. स्तंभ ३ मध्ये नमूद केलेल्या संस्थेच्या प्रमुखांनी बदल्या करण्यात आलेल्या अधिका-यांना त्यांच्या बदलीच्या ठिकाणी रुजू होण्यासाठी तात्काळ कार्यमुक्त करावे. स्तंभ ४ मध्ये नमूद केलेल्या संस्थेच्या प्रमुखांनी सदर अधिका-यांना रुजू करून घेतल्याबाबतचा अहवाल शासनास सत्वर सादर करावा.”

11. Though in clause 2 it has been mentioned that the transfers are effected on administrative grounds, clause 3 speaks that the transfers are effected according to the provisions U/s 4(1), (2) and (3) of the Transfer Act, 2005. I deem it appropriate to reproduce the aforesaid provisions, which read thus :-

“4. Tenure of transfer.

- (1) *No Government servant shall ordinarily be transferred unless he has completed his tenure of posting as provided in section 3.*
- (2) *The competent authority shall prepare every year in the month of January, a list of Government servants due for transfer, in the month of April and May in the year.*
- (3) *Transfer list prepared by the respective competent authority under sub-section (2) for Group A Officers specified in entries (a) and (b) of the table under section 6 shall be finalized by the Chief Minister or the concerned Minister, as the case may be, in consultation with the Chief Secretary or concerned Secretary of the Department, as the case may be:*

Provided that, any dispute in the matter of such transfers shall be decided by the Chief Minister in consultation with the Chief Secretary.”

12. It is not in dispute that all the applicants were entitled to be in one division for the period of 9 years. Though it is accepted that under sec. 3 of the Transfer Act, 2005 ordinary tenure is provided of 3 years, having considered the provisions in sub-

section 2 of section 4 it is quite evident that it is obligatory on the part of the competent authority to prepare list every year in the month of January of the government servants due for transfer, in the month of April and May in the year. In the instant matter the said procedure has not been followed. There shall not also be a dispute of the fact that ordinarily the options are called for of the Government servants due for transfer. In the instant matter, even that procedure has not been followed. The reliance is placed on the G.R. dated 9.4.2018, wherein the procedure is in detail prescribed. It is apparent that transfers of all these applicants are effected without following the prescribed procedure and contrary to the provisions under the Transfer Act, 2005. Learned CPO though sought to contend that since the transfers are made on administrative grounds, let the Government submits its affidavit in reply revealing the reasons which necessitated the transfer of these applicants, I am not much convinced with his submission. There is prima-facie material and considering the said material in context with the provisions under the law, prima-facie, it appears that, these transfers are

::-8-:: **O.A. NOS. 537, 538 & 539/2023**

made in violation of the guidelines laid down in that regard under the provisions of Transfer Act, 2005. The respondents are certainly having right to bring on record the reasons necessitating the transfer of these applicants in their affidavit in reply. However, since the applicants have made out a prima-facie case, they are certainly entitled for interim relief as has been prayed by them. As per the applicants they have not yet been relieved, whereas as per the respondents all these applicants have been relieved, yesterday itself. However, there is no further information provided by the respondents whether some other officers are posted in the places of the applicants. In the circumstances, I deem it appropriate to pass the following order :-

ORDER

1. Issue notices to the respondents, returnable on 25.7.2023, **till then the respondents shall allow the applicants to perform their duties at their existing posts.**
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.

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O.A. NOS. 537, 538 & 539/2023

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. S.O. to 25.7.2023.
7. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORAL ORDER 04.07.2023-HDD

ORIGINAL APPLICATION NO. 529/2023
(Dr. Shaikh Irfan Usman Vs. the State of Maharashtra & Ors.)

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

DATE : 4.7.2023

ORAL ORDER :

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

2. The grievance of the applicant, who is working as a Medical Officer, is that when there are vacancies in the District, as well as, in the Division for which he has given his options, he has been transferred outside the Division. The learned counsel for the applicant in the circumstances has prayed for interim relief, thereby staying the effect of the impugned order temporarily until further orders. The learned counsel submits that the applicant has not yet been relieved from his existing post.

3. Shri Gude, learned Presenting Officer has opposed for grant of any interim relief. The learned P.O. submitted that the applicant has been relieved on 1.7.2023. The learned P.O. in the circumstances while opposing the request for interim relief, prayed

for time to file the affidavit in reply so the necessary facts can be brought before the Tribunal.

4. I have duly considered the submissions advanced on behalf of the applicant, as well as, the respondents. The Public Health Department has issued certain guidelines for transfers of its employees. Copy of the said guidelines and copy of Manual for Transfer Process Software for Group-A and B is placed at Annex. A-4 pages 29 to 34 of paper book. The guidelines are quite clear that if the vacancy exists, considering the seniority of the candidate whether he has exercised the option for any such vacant post in the District, he shall be considered for that post. It further provides that if no post is vacant in the District, but vacant in the Division, then without calling option from the candidate he can be transferred in the Division on the said post. If no vacancies are there in the District or Division then it is permissible to transfer the officer concerned outside the Division.

5. In the present matter the applicant has placed all prima-facie material showing that there are

vacancies in the District, as well as, in the Division and accordingly preferences are given by the applicant. Though the applicant has made a statement in the O.A. that he has not been relieved, as submitted by the learned P.O. on instructions from the concerned office, the applicant has been relieved on 1.7.2023. The applicant has also made a representation immediately on 3.7.2023 itself. Today the learned counsel tendered the copy of the said representation during the course of his argument across the bar. It is taken on record. The learned P.O. though submitted that the applicant has been relieved no further information is given whether other candidate has been posted in place of the applicant. In the circumstances, I deem it appropriate to pass the following order :-

ORDER

1. Issue notice to respondents, returnable on 20.7.2023.
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 consider the representation submitted by the applicant within 2 weeks from the date of this order, till then the applicant shall be permitted to discharge the duties on his existing post.

7. The respondents shall file the affidavit in reply also within 2 weeks so that the matter can be considered on merits.

8. S.O. to 20.7.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 530/2023
(Smt. Manjusha M. Mutha Vs. the State of Maharashtra & Ors.)

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

DATE : 4.7.2023

ORAL ORDER :

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

2. It is the grievance of the applicant that she has been transferred from the post of District Supply Officer, Parbhani to the post of Special Land Acquisition Officer, Hingoli without calling option from her. It is the further contention of the applicant that one of her daughter will be appearing for 12th examination in the present academic year and she is studying at Aurangabad. In the circumstances, the applicant was expecting her transfer for Aurangabad for which she has made request also, but that has not been considered. The learned counsel submitted that at Aurangabad 6 posts are vacant, wherein the applicant can be given posting and can be transferred at any of the said place. The learned counsel submitted that the applicant

has already been relieved from the existing post and another officer has been posted in her place. The learned counsel submitted that the applicant has made a representations on 18.4.2023 and thereafter on 9.5.2023 and lastly on 30.6.2023. The learned counsel has prayed for giving directions to the respondents to consider her said representations.

3. Shri Mahajan, learned Chief Presenting Officer has sought time of 2 weeks for filing the affidavit in reply. If this be so, while issuing notices directions can be given to the respondents for deciding the representation of the applicant on its own merits and in accordance with the provisions of relevant Act & rules. Hence, the following order :-

ORDER

1. Issue notice to respondents, returnable on 3.8.2023. **In the meanwhile the respondents may consider the representations submitted by the applicant on their own merits and in accordance with the provisions under the relevant Act and rules.**

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

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O.A. NO. 530/2023

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. S.O. to 3.8.2023.
7. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 466/2023
(Shri Bhaskar P. Londhe Vs. the State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : **4.7.2023**

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 24.8.2023.
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 24.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 500/2023
(Shri Amol D. Narmale Vs. the State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : **4.7.2023**

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 6.9.2023.
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 6.9.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 524/2023

(Smt. Suwarnamala S. Bikkad Vs. State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 4.7.2023

ORAL ORDER :

Heard Shri S.B. Kakade, 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 submitted that the matter having similar issue is kept on 6.7.2023. The learned C.P.O. has not disputed the said fact.

3. Issue notice to respondents, returnable on 6.7.2023.

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

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

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

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

8. S.O. to 6.7.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 526/2023
(Shri Govind B. Bhokare Vs. the State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : **4.7.2023**

ORAL ORDER :

Heard Shri Karpe, learned counsel holding for Shri U.L. Momale, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. For orders on 6.7.2023.

VICE CHAIRMAN

C.P. NO. 32/2023 IN O.A. NO. 379/2018
(Dr. Kanchan T. Bhorge & 7 Ors. Vs. State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : **4.7.2023**

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 Chief Presenting Officer submits that because of the order passed by this Tribunal the respondents have preferred Writ Petition in the Hon'ble High Court and he will produce all details of the said petition on the next date. He has prayed for 4 weeks' time for filing the affidavit in reply. Time granted as prayed for.

3. S.O. to 7.8.2023.

VICE CHAIRMAN

**M.A. ST. 1958/2022 IN M.A. ST. 1611/2022 IN O.A.
ST. 1612/2022**

(Fakirchand S. Thorat Vs. the State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 4.7.2023

ORAL ORDER :

Shri M.A. Kulkarni, learned counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 28.7.2023.

VICE CHAIRMAN

O.A. ST. 559/2023
(Yuvraj S. Bhosale Vs. the State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 4.7.2023

ORAL ORDER :

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

2. S.O. to 28.7.2023.

VICE CHAIRMAN

O.A. ST. NO. 873/2023

(Noor Mohd. Dost Mohammad Pathan Vs. the State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 4.7.2023

ORAL ORDER :

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

2. S.O. to 28.7.2023.

VICE CHAIRMAN

M.A. 239/2023 IN M.A. 359/2022 IN O.A. 729/2022
(Dnyaneshwar B. Jadhav & Ors. Vs. the State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : **4.7.2023**

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant in M.A. No. 239/2023 & O.A., Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Amol Chalak, learned counsel for applicant in M.A. No. 359/2022, are present.

2. S.O. to 6.7.2023. Interim relief granted earlier in O.A. to continue till then.

VICE CHAIRMAN

M.A. 257/2023 IN M.A. 563/2022 IN O.A. 730/2022
(Gajanan P. Chaudhari & Ors. Vs. the State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : **4.7.2023**

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicants in M.A. No. 257/2023 & O.A., Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri R.A. Joshi, learned counsel for applicant in M.A. No. 563/2022, are present.

2. S.O. to 6.7.2023. Interim relief granted earlier in O.A. to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 507/2023
(Smt. Mamta B. Ghayal Vs. State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 4.7.2023

ORAL ORDER :

Shri Sachin S. Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. In the present matter notices are already issued to the respondents.

3. The learned counsel for the applicant submitted that the matter having similar issue is kept on 6.7.2023. The learned C.P.O. has not disputed the said fact.

4. S.O. to 6.7.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 431/2023

(Dr. Mohammad Ashfaque Tinmaswala Vs. the State of Maharashtra & Ors.)

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

DATE : 4.7.2023

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration the learned Chief Presenting Officer submitted that in any case affidavit in reply in the present matter will be filed by 18.7.2023 and copy thereof will be in advance served upon the learned counsel for the applicant.

3. S.O. to 18.7.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 3.7.2023

**M.A.NO. 09 OF 2023 IN O.A.ST.NO. 34 OF 2023
(Shri Mahendra A. Kadam Vs. the state of Maharashtra & Ors.)**

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

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.07.2023

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of the respondent Nos. 1 & 2. It is taken on record.

3. S.O. to 05.09.2023 for filing affidavit in rejoinder, if any.

VICE CHAIRMAN

SAS ORAL ORDER 04.07.2023

M.A.NO. 210 OF 2023 IN O.A.NO. 259 OF 2023
(Sunita D. Jarhad Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.07.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

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

3. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondent No.1.

4. S.O. to 05.09.2023 for filing affidavit in rejoinder to the affidavit in reply filed on behalf of the respondent No.2, if any.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 364 OF 2023
(Shri Dilip R. Adatrao Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.07.2023

ORAL ORDER :

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

2. Await service of notice on the respondent No.4.
3. Learned Presenting Officer has filed affidavit in reply on behalf of the respondent Nos. 1 to 3. It is taken on record.
4. S.O. to 31.08.2023 for filing affidavit in rejoinder, if any.

VICE CHAIRMAN

O.A.NOS. 89, 90, 91, 92, 93, 94 & 95 ALL OF 2023
(Shri Arun K. Rathod & Ors. Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.07.2023

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel 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.

2. Record shows that affidavit in reply is only filed on behalf of respondent No. 3 in O.A.Nos. 93 & 94 both of 2023.
3. Today, learned C.P.O. has filed affidavit in reply on behalf of the respondent Nos. 1,2 & 4 in O.A.No. 90, 91, 92 and 94 all of 2023. It is taken on record and copy thereof has been served on the other side.
4. At the request of the learned C.P.O., time is granted for filing affidavit in reply on behalf of all the respondents in O.A.No. 89 & 95 both of 2023, on behalf of respondent Nos. 1,2 & 4 in O.A.No. 93/2023 and on behalf of respondent No.3 in O.A.Nos. 90, 91 & 92/2023.
5. S.O. to 14.08.2023.

VICE CHAIRMAN

M.A.ST.NO. 1135 OF 2023 IN O.A.ST.NO. 1136 OF 2023

(Namdev J. Karad & Ors. Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.07.2023

ORAL ORDER :

Heard Ms. Pooja S. Mundhe, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

3. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

**M.A. 287/2023 IN M.A.ST.NO. 1135/2023 IN
O.A.ST.NO. 1136/2023**

(Namdev J. Karad & Ors. Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.07.2023

ORAL ORDER :

Heard Ms. Pooja S. Mundhe, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. 84 days delay has occurred in filing the Original Application.

3. Learned C.P.O. has submitted for passing appropriate order.

4. Considering the reasons stated in the Misc. Application which according to me are just and proper, the delay is condoned. The present Misc. Application stands disposed of accordingly without any order as to costs.

5. The M.A. & O.A. be registered in accordance of law. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO. 1136 OF 2023

1. Namdev Janardan Karad

2. Praveen Ashok Beldar

Vs.

The state of Maharashtra & Ors.

With

ORIGINAL APPLICATION NO. 360 OF 2022

Anil Prakash Khaladkar

Vs.

The state of Maharashtra & Ors.

With

ORIGINAL APPLICATION NO. 523 OF 2023

Dnyaneshwar Mohan Pansare

Vs.

The state of Maharashtra & Ors.

With

M.A.NO. 294/2023 IN O.A.NO. 430/2022

1. Swanand s/o Balbhim Thorve

2. Shivaji s/o Maroti Dongardive

3. Vishwanath s/o. Puruhottam Limburkar

4. Mukta Rangnath Shinde

5. Pratap s/o Shriram Thokal

6. Saraswati Manohar Garad

7. Rohini Ganpatrao Gaikwad
(Rohini Sunil Veer)

8. Sangita Pralhad Phalke

9. Usha Eknathrao Dambhare

10. Pralhad s/o Shrirang Gawai

11. Urmila Subhashrao Phule

12. Sonalee Sharadrao Muley

13. Suwarnalata Bharatrao Thakur

14. Arvind s/o Kishanrao Kadam

15. Santosh s/o Ganpat Mutanepwad

16. Sarla Shamrao Kame

Vs.

The state of Maharashtra & Ors.

With

M.A.NO. 293/2023 IN O.A.NO. 664/2022

1. Vinod s/o. Jagannath Sonune

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2. **Chandrakant s/o Vinayak Bhosale**
3. **Dattatraya s/o Vyankatesh Sontakke**
4. **Chandrakant s/o Maruti Kamble**
5. **Prakash s/o Vithoba Jagtap**
6. **Savita Dadaji Borse**

Vs.

The state of Maharashtra & Ors.

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

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.07.2023

ORAL ORDER :

Heard Ms. Pooja S. Mundhe, learned counsel for the applicants in O.A.St.No. 1136/2023, Shri Sachin S. Deshmukh, learned counsel for the applicant in O.A.No. 523/2023, Shri S.B. Bhosale, learned counsel for the applicant in O.A.No. 360/2022, Shri R.O. Awawsarmol, learned counsel for the applicants in M.A.No. 294/2023 in O.A.No. 430/2022 and M.A.No. 293/2023 in O.A.No. 664/2022, Shri V.P. Narwade, learned counsel for the respondent Nos. 4 & 5 in O.A.No. 360/2022 and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters.

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2. The applicants in O.A.No. 430/2022 and O.A.No. 664/2022 have filed Misc. Application seeking interim relief in the matters. These Misc. Applications can be considered with the Original Applications wherein similar prayers are made.

3. Since in all these matters issue raised and interim prayer sought are identical, I have heard all these matters together and deem it appropriate to pass the common order in all these matters.

4. Learned counsel for the applicants submitted that the cases of these applicants are identical with the case which was made out in O.A.No. 634/2017.

5. Learned counsel for the applicants submitted that whether they are eligible to be appointed on the post of Deputy Education Officer can be decided on merit. However, if the applicants are not interviewed, more complications are likely to occur.

6. Learned counsel for the applicants have prayed for similar interim relief as has been granted by the Hon'ble Division Bench of Bombay High Court, Bench at Nagpur in Writ Petition No. 5059/2022.

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7. Learned counsel for the applicant in O.A.No. 523/2023 submitted that the applicant has been held ineligible on the ground of not having required experience of 5 years. It is contended that the contention of the M.P.S.C. is apparently not acceptable and the reasons elaborated in the Original Application completely negate the contentions of M.P.S.C. Learned counsel submitted that these contentions can be considered on merit while Original Applications will be heard on merits. He further submitted that applicant in this O.A. also is entitled for the same interim relief.

8. Learned C.P.O. has sought time to file affidavit in reply. Learned C.P.O. has not disputed the fact of passing an interim order by the Division Bench of Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No. 5059/2022.

9. The applicants in all above matters have applied for the post of Deputy Education Officer and equivalent posts from Maharashtra Education Services, Group 'B' (Administrative Branch). Except the applicant in O.A.No. 523/2023, the applicants

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in the remaining matters are working as a Primary Teachers. The applicant in O.A. No. 523/2023 is serving as Assistant Deputy Education Inspector. All these applicants appeared for the written examination held by the M.P.S.C. However, names of all these applicants were subsequently shown in the list of ineligible candidates. It is the contention of all these applicants that they all are eligible to be appointed on the post of Deputy Education Officer. Reliance is placed by the applicants on the order passed by this Tribunal in O.A.No. 634/2017. It is the contention of these applicants that there cases are quite identical with the applicants in O.A.No. 634/2017. It is further contended that though in one matter the Nagpur Bench of MAT dismissed the Original Application filed by some of the applicants claiming identical relief, in Writ Petition No. 5059/2022, the Hon'ble Nagpur Bench of the Bombay High Court has granted the interim relief in favour of the said candidates to the effect that the M.P.S.C. shall interview these applicants also subject to outcome of the Writ Petition. The applicants have prayed for similar interim relief in the present matters.

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10. I have gone through the interim order dated 23.06.2023 passed by the Nagpur Bench of Bombay High Court in Writ Petition No. 5059/2022. In paragraph No. 6 of the said order it is observed as under:-

“6. A case is made out for examining the rival contentions in more depth. However, interviews are scheduled on 26th and 27th June, 2023 and if we do not consider granting interim relief, unnecessary complication may ensue. We therefore direct that the petitioners/applicants be permitted to attend the interview to be scheduled on 26th and 27th June, 2023. While the applicants shall be interviewed on merit, we clarify that the result of the interview shall be subject to the outcome of the present petition.”

11. In the instant matters also it appears to me that the rival contentions raised in these matters can be considered at the time of hearing of these Original Applications. However, when the M.P.S.C. is presently holding interviews for the said post of Deputy Education Officer, if the preset applicants are deprived of the opportunity to appear for the said interview, as observed by the Hon'ble High Court, more complications may ensue if ultimately in the Original Applications the applicants are held

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eligible for the advertised posts. In the circumstances, I deem it appropriate to pass the following order:-

ORDER

- (i) Issue notice to the respondents in O.As., returnable on 27.07.2023.
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) 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.
- (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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(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. Applicants are directed to file affidavit of compliance and notice.

(vi) **The M.P.S.C. is directed to issue the interview letters to the applicants in all these O.As. on their e-mail addresses, which have been provided by these applicants in their application forms or on their WhatsApp and to permit these applicants to attend the interview on the date scheduled for them.**

(vii) **It is clarified that while the applicants shall be interviewed on merits, the result of the interview shall be subject to outcome of present Original Applications.**

(viii) Learned C.P.O. to communicate the present order to M.P.S.C. on Fax or by any other fastest mode of communication.

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(ix) List the matters on 27.07.2023 for filing affidavit in reply by the respondents.

(x) M.A.No. 294/2023 in O.A.No. 430/2022 and M.A.No. 293/2023 in O.A.No. 664/2022 stand disposed of with the aforesaid order. No order as to costs.

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

VICE CHAIRMAN

SAS ORAL ORDER 04.07.2023