

**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: -06/07/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	OA526/23	O'bad	Adv.Uddhav L Momale (Govind B Bhokare)	Seniority List	For Orders	07.08.2023
2	CPSSt991/23 In OA485/20	Beed	Adv.Preeti R Wankhade (Vijay S Jadhav)	Contempt Petition	with Office Objection	27.07.2023
3	MA299/23 IN MASt1269/23 In OASSt1239/23	A'bad	Adv.P.R. Wankhade (Vishal M Kamble&Ors.)	M.A. For Sue Jointly	Circulation	27.07.2023
4	OASSt296/23	Jalna	Adv.SayyedTausseefYaseen (WaseemAyazBaig)	Selection Process/ Merit List	With Office Objection	09.08.2023
5	OASSt1156/23	Jalna	Adv.Jiwan J Patil (Prabhakar K Ghuge)	Seniority List	Circulation With Office Objection	07.08.2023
6	OASSt1157/23	A'bad	Adv.Jiwan J Patil (Pralhad S Lokhande)	Seniority List	Circulation With Office Objection	07.08.2023
7	MASt1165/23 In OASSt1155/23	Jalna	Adv.Jiwan J Patil (Mukund B Unhale&Ors.)	M.A. For Sue Jointly	Circulation With Office Objection	07.08.2023
8	OASSt1166/23	A'bad	Adv.Jiwan J Patil (Mangala M More)	Seniority List	Circulation With Office Objection	07.08.2023
9	OA451/22 With	P'bhani	Adv.Hrishikesh V Tungar (Dhammapal E Ughade) <u>Adv.Vinayak H Solunke</u> <u>R.Nos.4 & 5</u>	Eligibility/ Interview	Circulation For Hearing Reply filed By R-1, R-4 & R-5	17.08.2023

10	OA452/22 With	P'bhani	Adv.Hrishikesh V Tungar (Nandkumar G Dhoke) <u>Adv.Vinayak H.</u> <u>SolunkeR.Nos 4 & 5</u>	Eligibility/ Interview	Circulation For Hearing Reply filed By R-1, R-4 & R-5	17.08.2023
11	OA453/22	Nanded	Adv.Hrishikesh V Tungar (Arun L Dhakate) <u>Adv.Vinayak H.</u> <u>SolunkeR.Nos 4 & 5</u>	Eligibility/ Interview	Circulation Reply filed By R-1	17.08.2023
Order Matters						
12	MA277/19 In OAS09/19	Nanded	Adv.A.D. Kaware (Kishan E Vibhute) <u>Adv.R.D. Kulkarni for</u> <u>R.No.7 in OA</u>	M.A. For Condonation of Delay	For Hearing	22.08.2023
13	MA146/20 with MASt418/20 In OAS419/20	Nanded	Adv.Gaurav L Deshpande (Maharashtra Rajya Pashu Sawardhan Abhiyantriki Karmachari Sanghatana)	MA for File O.A. in Representative Capacity on Behalf on Sanghatana	For Hearing	22.08.2023
14	MA56/22 In OA405/21	Beed	Adv.S.S. Kulkarni/ Adv.V.S. Kadam (Dinesh N Karande)	M.A. For Amendment	For Hearing Reply Filed by R-1 to R-4	22.08.2023
15	MA154/22 In OAS517/22	A'nagar	Adv.V.P. Narwade (Savita S Warale)	M.A. For Condonation of Delay	For Hearing	23.08.2023
16	MA511/22 In OA539/21	J'gaon	Adv.Santosh B Bhosale (Jagannath S Patil)	M.A. For Amendment	For Hearing	23.08.2023
17	MA5/23 With MA398/21 in OAS1666/21	A'bad	Adv.H.P. Jadhav (Sadashiv S Shingare)	M.A. for Amendment		23.08.2023
18	MA211/23 In OA595/20	A'bad	Adv.V.B. Wagh (Dr. Datta M Dhanve)	M.A. For I.R.		23.08.2023

19	MA239/23 In MA359/22 In OA729/222	Jalna	Adv.V.B. Waghin MA239/23 in OA729/22 (Dnyaneshwar B Jadhav&Ors.) Adv.Amol B Chalakin MA359/22 (Pavansing M Chungda&Ors.)	M.A.239/23 For Direction M.A.359/22 For Interventiton		11.07.2023
20	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</u> <u>Intervenor in MA563/22</u> (Bhausahab R Bhosale&Ors.)	M.A.257/23 For Direction M.A.563/22 For Intervenor		11.07.2023
21	MA277/23 In OA320/20	A'nagar	Adv.V.B. Wagh (Santosh N Dhongade)	M.A. For Direction		23.08.2023
High On Board Matters						
22	OA146/16	N'bar	Adv.S.D. Kotkar (Rakesh A Thakre)	Promotion	<u>Part Heard</u> Reply Filed by R-1 to R-3	11.08.2023
23	OA749/16	J'gaon	Adv.Talekar Associates(MadhaviAyyappan) (Sachi A Palkhe)	Selection/ Appointment	<u>Part Heard</u> For Hearing Reply Filed by R-1 to R-3	11.08.2023
24	CP29/20 In OA1014/19	Beed	Adv.C.V. Dharurkar (Bade R Shridhar)	Contempt Petition	<u>High On Board</u> Additional Reply Filed by Respondents Reply Filed by R-1	14.08.2023
25	OA526/22	A'bad	Adv.G.A. Rathod (Sachin D Dahihande)	Appointment	<u>High On Board</u> For Hearing Reply Filed by R-1 & R-2	07.08.2023
26	MA190/23 In OA34/22	Nanded	Adv.V.B. Wagh (Sachin D Shrimanwar)	M.A. For I.R.	OA34/22 is High On Board	18.08.2023

Due Admission Matters						
27	CP21/22 In OA51/18	Jalna	Adv.Jayant S Deshmukh (David S Ganthur&Ors.)	Contempt Petition	For Hearing Reply Filed by R- 1 & R-2	05.09.2023
28	CP33/23 In OA14/23	Nanded	Adv.P.R. Wankhede (Rajesj N Kadam)	Contempt Petition	For Hearing Reply Filed by R- 2	27.07.2023
29	CP34/23 In OA15/23	Nanded	Adv.P.R. Wankhede (Balaji G Magre)	Contempt Petition	For Hearing Reply Filed by R- 2	27.07.2023
30	CP35/23 In OA16/23	Nanded	Adv.P.R. Wankhede (Vilas N Ingle)	Contempt Petition	For Hearing Reply Filed by R- 2	27.07.2023
31	OA132/16	Nanded	Adv.S.B. Mene (Mandabai G Thakur)	Termination	For Hearing Reply Filed by R- 2 & R-3	14.09.2023
32	OA97/19	A'nagar	Adv.Y.B. Pathan (MirkhanIliyaskhanPathan)	Major Punishment	For Hearing Reply Filed by R- 4	14.09.2023
33	OA501/19	Hingoli	Adv.Amol S Gandhi (Kashinath G Kadam)	Departmental Enquiry/ Dismissal From Service	For Hearing Reply Filed by R- 1 to R-3	14.09.2023
34	OA517/19	A'bad	Adv.Swapnil A Deshmukh (Rajendra P Kamble&Ors.)	Advertisement	For Hearing Short Affidavit of Reply Filed by R- 1 to R-3	15.09.2023
35	OA651/19	Beed	Adv.Prabhakar N Nagargoje (Chandulal D Ghule)	Discharge/ Termination	For Admission Reply Filed by R- 2 & R-3	15.09.2023
36	OA590/20	J'gaon	Adv.Suhas R Shirsat (Ankush B Patil)	Appointment	For Hearing Reply Filed by R- 2 & R-3	18.09.2023
37	OA60/21	J'gaon	Adv.Digamber B Shinde (Ishwar B Baviskar)	Direction/ Promotion	For Hearing Reply Filed by R- 1 to R-3	18.09.2023

38	OA61/21	Dhule	Adv.D.B. Shinde (Shantilal H Deore)	Promotion	For Hearing Reply Filed by R- 1 to R-4	18.09.2023
39	OA339/21	A'bad	Adv.Amol B Chalak (Arun S Jadhav)	Show Cause Notice/ Termination	For Admission Reply Filed by R- 5 to R-7	08.08.2023
40	OA482/21	J'gaon	Adv.Harshal P Randhir (Kishor U Chaudhari) <u>Adv.Sunita D Shelke for R.Nos.4 & 5</u>	Seniority List	For Hearing Reply Filed by R- 4 & R-5	20.09.2023
41	OA652/21	A'bad	Adv.S.D. Joshi (Sadashiv N Pohandulkar)	Revise Pay/ Benefit of ACPS/ Challenging the Condition in the Concerned G.R.	For Hearing Reply Filed by R- 3 to R-5	20.09.2023
42	OA90/22	Nanded	Adv.Sudhir K Chavan (Dr. Pravin K Munde)	Qualification/ Eligibility	For Hearing Reply Filed by R- 2	20.09.2023
43	OA204/22	Nanded	Adv.S.B. Kakde (Ganesh S Bangale)	Termination/ Direction	For Admission Reply Filed by R- 1 to R-3	22.08.2023
44	OA456/22	Latur	Adv.Talekar & Associates (Narsappa S Birajdar)	Dismissal	For Hearing Reply Filed by R- 1 to R-4	21.09.2023
45	OA581/22	Beed	Adv.Avinash V Choudhari (Vijay B Deshmukh)	Promotion	For Hearing Reply Filed by R- 1 to R-3	21.09.2023
46	OA941/22	A'bad	Adv.S.D. Joshi (Ramesh D Narwade)	Major Punishment/ Compulsory Retirement	For Admission Reply Filed by R- 2 & R-3	21.09.2023
47	OA942/22	A'bad	Adv.S.D. Joshi (Abdul Razzaq Abdul Rahim Shaikh)	Major Punishment/ Compulsory Retirement	For Admission Reply Filed by R- 2 & R-3	21.09.2023
48	OA365/23	Latur	Adv.Avinash S Deshmukh (Trupati V Andhare) <u>Adv.Sachin Deshmukh For R.Nos. 3 to 7</u>	Challenging Rules	For Hearing Reply Filed by R- 3 to R-7	11.07.2023

Final Hearing Matter						
49	OA220/21	A'bad	Adv.H.M. Shiakh (SayyedShoukataliSabirali)	Departmental Enquiry	Reply Filed by R- 1 to R-5	18.08.2023
50	OA799/21	O'bad	Adv.Jiwan J Patil (Shirish R Yadav)	Departmental Enquiry	Reply Filed by R- 1 & R-2	03.08.2023

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

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

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

Date: -06/07/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Review Petition Matter						
1	Rev04/22 In OA108/19	A'bad	Adv.P.R. Wankhade (Krishna R Rathod)	Review Petition		13.07.2023

Hon'ble Division Bench

Before: -Court On Leave

Date: -06/07/2023 For Reply Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA380/19	Beed	Adv.C.A. Shingare (Bhanudas E Ugale&Ors.)	Dismissal	For Filing Affidavit in Reply of Rest of the Respondents Ref.OrderDtd. 23.06.2022	23.08.2023

2	OA415/21	A'bad	Adv.Sanotsh S Dambe (Vivekanand V Auti&Ors.)	Selection	For Filing Affidavit in Reply For Taking instructions	23.08.2023
3	OA552/21	A'nagar	Adv.C.V. Dharurkar (JabbarDastgitPinjari)	Selection Process as per Advertisement	Await Service	24.08.2023
4	OA554/21	A'bad	AdvRavindra B Ade (Harshal N Yavle)	Termination	As a Last Chance For Filing Affidavit in Rejoinder	24.08.2023
5	OA736/22	Beed	Adv.P.R. Wankhade (Dr.Pradeep A Shendge)	Advertisement	For Filing Affidavit in Rejoinder	11.07.2023
6	OA818/22	Latur	Adv.P.R. Wankhade (Dr. Pranita P Patil&Ors.)	Advertisement	For Filing Affidavit in Rejoinder	11.07.2023
7	OA819/22	Latur	Adv.P.R. Wankhade (Dr. Dharmaraj A Dudde&Ors.)	Advertisement	For Filing Affidavit in Rejoinder	11.07.2023
8	OA874/22	Latur	Adv.Suhas P Urgunde (Dr. Vinod B Khedkar&Ors.)	Challenging Advertisement / Benefit of Permanancy	For Reply	07.08.2023
9	OA926/22	Latur	Adv.MuhammadAseem/ Adv.SayedTauseefYaseen (BiradarAdilTurab)	Challenging G.R.	As a Last Chance For Filing Affidavit in Reply R- 2	28.08.2023
10	OA947/22	Dhule	Adv.MuhammadAseem Adv.SayedTauseefYaseen (Nikita M. Rajput)	Challenging G.R	For Filing Affidavit in Reply	28.08.2023
11	OA950/22	A'nagar	Adv. Muhammad Aseem Adv.SayedTauseefYaseen (Chaitali J. Katariya&Ors.)	Challenging G.R	As a Last Chance For Filing Affidavit in Rejoinder	28.08.2023
12	OA952/22	Beed	Adv.A.P. Shejul (Mangesh B Zore) Adv.C.D. Fernandes/Adv.Pramod S Brahmane For R.No.5	Appointment	Reply Fild By R-5 & For Filing Affidavit in Reply	21.07.2023
13	OA960/22	Beed	Adv.A.P. Shejul (Siddheshwar P Darade)	Appointment	For Filing Affidavit in Reply	21.07.2023

			<u>Adv.C.D. Fernandes/Adv.Pramod S Brahmane For R.Nos. 4 & 5</u>		R-1 & R-3	
14	OA1099/22	Nagpur	Adv P R Wankhade (Dr.Sapna H Tallarwar)	Challege to the Advertisement	For Compliance Ref Order Dtd. 22.06.2023	07.08.2023
15	OA1100/22	Nagpur	Adv P R Wankhade (Dr. Namita B Korwate)	Challege to the Advertisement	For Compliance Ref Order Dtd. 22.06.2023	07.08.2023
16	OA02/23	A'bad	Adv.S.D. Joshi (MushtaqueSikandarShaikh)	Compulsory Retirement (Major Punishment)	For Filing Affidavit in Rejoinder	29.08.2023
17	OA192/23	A'bad	AdvGaurav L Deshpande (Yogesh S Swami &Ors.)	Selection Process (MPSC)	For Filing Affidavit in Reply Ref Order Dtd. 03.05.2023	29.08.2023
18	OA201/23	Jalgaon	AdvSandeep R Andhale (Sharad S Borse)	Promotion	As a Final Last Chance for Filing Affidavit in Reply	09.08.2023
19	OA237/23	A'bad	Adv S SDambe (Navnath J Devare&Ors.)	Selection Process	Await Service	
20	OA474/23	N'bar	Adv V B Wagh (Vaishali V Hinge)	Promotion	Await Service	24.08.2023
21	OA507/23	A'bad	Adv S SDeshmukh (Mamta B Ghayal)	Selection Process (MPSC)	Await Service	
22	OA524/23	A'bad	Adv S B Kakade (Suwarnamala S Bikkad)	Selection Process (MPSC)	Await Service	

Order Matters						
23	MA134/22 In OAS1419/21	Latur	Adv.K.M. Nagarkar (Chate Shankar Dhondiba) <u>Adv S B Mene For R-3 to R-6</u>	M.A.ForCondo nation of Delay	For Filing Affidavit in Rejoinder	18.08.2023
24	MA267/22 In OAST747/22	A'bad	Adv.S.S. Kulkarni (Vasant D Wadile&Ors.)	M.A. For Condonation of Delay	Await Service	18.08.2023
25	MA38/23	A'bad	AdvKakasaheb B Jadhav	M .A. For I. R	As a Last Chance	10.08.2023

	In OA861/22		(Smt. Shobha R Tak)		For Filing Affidavit in Reply	
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Hon'ble Division Bench
Before: - **Court On Leave**

Date: -06/07/2023

Suplimentary Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	OA363/23	J'gaon	Adv.Sandip R Andhale (Bharat W Ware)	Promotion	Circulation	09.08.2023

Hon'ble Single Bench

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

Date: -06/07/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Regular Admission Matters						
1	OA521/23	P'bhani	Adv.J.S. Deshmukh (Dr.Meena R Latpate)	Maternity Leave		22.08.2023
2	OA547/23	O'bad	Adv.M.B. Kolpe (Ashok R Giri)	Directions/ Salary		21.07.2023
3	OA550/23	A'bad	Adv.J.B. Choudhary (Dr.Surajkumar S Kuril)	Transfer	Circulation	25.07.2023
4	OA551/23	A'bad	Adv.J.B. Choudhary (Dr.Amarnath V Awargaonkar)	Transfer	Circulation	25.07.2023
5	OA552/23	A'bad	Adv.J.B. Choudhary (Dr.Smita M Mundada)	Transfer	Circulation	25.07.2023
6	OA553/23	Nanded		Transfer	Circulation	25.07.2023

			Adv.J.B. Choudhary (Dr.Sarfaraz Ahmed Sirajuddin)			
7	OA554/23	A'bad	Adv.J.B. Choudhary (Laiq Ahmed Jaffari)	Transfer	Circulation	25.07.2023
8	OA555/23	A'bad	Adv.J.B. Choudhary (Dr.Pratibha R Deshmukh)	Transfer	Circulation	25.07.2023
9	OA556/23	A'bad	Adv.J.B. Choudhary (Dr.Rupali A Gaikwad)	Transfer	Circulation	25.07.2023
10	OA557/23	A'bad	Adv.J.B. Choudhary (Dr.Shilpa Y Pawar)	Transfer	Circulation	25.07.2023
11	OA558/23	A'bad	Adv.J.B. Choudhary (Dr.Deelip G Jaiswal)	Transfer	Circulation	25.07.2023
12	OA559/23	A'bad	Adv.J.B. Choudhary (Dr.AbdullahMohdmatee nuddin Ansari)	Transfer	Circulation	25.07.2023
13	OAS1253/23	A'bad	Adv.J.B. Choudhary (Smt. Shaikh Nek Parveen H.)	Transfer	Circulation With Office Objection	25.07.2023
Order Matters						
14	MA78/22 In OAS1293/22	Jalna	Adv.A.D. Gadekar (Vaishali B Tote)	M.A. For Condonation of Delay		10.08.2023
Due Admission Matters						
15	OA568/19	P'rbn	Adv D T Devane (Dnyanoba K Oval)	Deemed Date of Promotion	Reply Filed By R-3	10.08.2023
16	OA346/20	Nanded	Adv.P.B. Rakhunde (Babu R Adbalwar)	Pension & Pensionery Benefits	For Hearing Reply Filed by R-1 to R- 4	10.08.2023
17	OA67/21	Nanded		Fixation of	Reply Filed	14.08.2023

			Adv.S.G. Kulkarni (Prabhakar R Chincholkar) <u>Adv.S.B. Patil for</u> <u>R.Nos.2 & 3</u>	Pay/ Recovery	by R-1 to R- 3	
18	OA340/21	A'nagar	Adv.Sharda P Chate (Popat B Ahire)	Pay Scale	Reply Filed by R-1 to R- 3	18.08.2023
19	OA341/21	A'nagar	Adv.Sharda P Chate (Prashant S Pardhi)	Pay Scale	Reply Filed by R-1 to R- 3	18.08.2023
20	OA525/21	O'bad	Adv.SuchitaDhongde (Guruling N Tanwade) <u>Adv.D.T. Devane for</u> <u>R.Nos.2 & 3</u>	Time Bound Promotion/ ACPS/ Recovery	For Hearing Reply Filed by R-5	18.08.2023
21	OA518/22	O'bad	Adv.H.M. Shiakh (Ganesh A Mundhe)	Suspnesion/ Reinstatment	For Hearing Reply Filed by R-1, R-2 & R-4	18.08.2023
Final Hearing Matters						
22	OA581/17	A'bad	Adv.D.T. Devane (Mangal S Kathar)	Benefits of Time Bound Promotion/ ACPS	Reply Filed by R-2 & R- 3	08.08.2023
23	OA832/17	A'nagar	Adv.R.P. Bhumkar (Ramkrishna K Mhaske&Ors.)	Time Bound Promotion/ ACPS/ Benefit of G.R./	Reply Filed by R-1 to R- 3	08.08.2023
24	OA853/18	Dhule	Adv.Suresh D Dhongde (Pramod C Bute)	Withholding of Annual Increment	Reply filed By R-1 to R-3	08.08.2023
25	OA894/18	A'bad	Adv.R.P. Bhumkar (Shivaji B Satote) <u>Adv.S.B. Mene for</u> <u>R.Nos.3 & 4</u>	Refund the Amount	Reply Filed by R-3 & R- 4	08.08.2023
26	OA317/19	Dhule	Adv.D.K. Dagadkhair (Mangala D Lasurkar(Died) LRs Purushottam E Joshi)	Interest on Delayed Payments/ Other Pensionery Benefits	Reply Filed by R-3 to R- 5	09.08.2023

27	OA929/19	N'bar	Adv.S.D. Joshi (ShaikhMohd Rafi Shaikh Mohammad Shafi)	Recovery/ Refund of Recovered Amount	Reply Filed by R-1 to R- 5	09.08.2023
28	OA1070/19	A'bad	Adv.V.G. Salgare/ Adv.P.B. Salunke (Suryabhan B Nagre) <u>Adv.Umesh S Mote for R.No.3</u>	Recovery/ Refund of Recovered Amount	Reply Filed by R-2	11.08.2023
29	OA160/20	A'nagar	Adv.Party In Person (Shrirang P Jarhad) <u>Adv.S.B. Mene for R.No.4</u>	Regixation of Pension	Reply Filed by R-1, R-3 & R-4	17.08.2023
30	OA509/20	Beed	Adv.C.V. Dharurkar/ Adv.A.S. Mirajgaonkar (Dr.NomaniMuhammed Mufti Tahir)	Study Leave		11.08.2023
31	OA216/21	A'bad	Adv.D.K. Dagdkhair (Keshav B Bhalerao(Died) LRs. Rekha K Bhalerao)	Difference of Wages/ Arrears/ Special Allowances	Reply Filed by R-1 to R- 3	09.08.2023
32	OA537/21	Dhule	Adv.K.B. Jadhav (Balasaheb S Khairnar)	Transfer	Reply Filed by R-1 to R- 4	01.08.2023
33	OA252/23	A'nagar	Adv.Avinash S Deshmukh (Balasaheb Y Dhanave)	Transfer	Reply Filed by R-1	31.07.2023

**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: -06/07/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
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Due Admission Matters						
1	OA672/19	Jalna	Adv V G Salgare (Mahesh D Tipale)	Annual Increment	For Filing Affidavit in Rejoinder	14.08.2023
2	OA73/22	Nanded	AdvSuchitaDhongde (Chakardhar P Wadje) <u>Adv D T Devane For R-2</u>	Benefit of 3 rd T.B.P.	As a Most Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd. 06.02.2023</u>	14.08.2023
3	OA595/22	N'bar	Adv S D Joshi (Dr.Dinesh S Ravtale)	Joining/ Salary & Allowances	For Filing Affidavit in Reply	14.08.2023
4	OA686/22	A'bad	Adv.H.M. Shaikh (Shaikh Musa ShaikhMohioddin)	Suspension Period Duty	For Reply	18.08.2023
5	OA763/22	Beed	Adv P M Shinde/ Adv P B Jadhav (Shivram N Dhgate)	Regularisation/ Continuity in Service	For Filing Affidavit in Reply	14.08.2023
6	OA1024/22	A'bad	Adv Ravi R Bangar (Vitthal S Bade)	Transfer Allowances Bill	For Filing Affidavit in Rejoinder	14.08.2023
7	OA1044/22	Beed	Adv P R Tandale (Vilas K Shinde)	Annual Increment	For Filing Affidavit in Reply	14.08.2023

8	OA1058/22	A'nagar	Adv A D Sugdare (Balasaheb N Sonawane)	Revised Pay Fixation Recovery/ Refund of Recovered Amount	For Filing Affidavit in Reply	17.08.2023
9	OA114/23	Beed	Adv H M Shaikh (Gopal D Suryawanshi)	Suspension	For Reply	18.08.2023
10	OA406/23	Jalna	AdvMukund R Kulkarni (Narayan D Napte)	Transfer	For Reply	20.07.2023
11	OA450/23	P'rbn	AdvShamsunder B Patil (Dr.keshav A Munde)	Transfer	Await Service	17.08.2023
12	OA451/23	P'rbn	AdvShamsunder B Patil (Dr.Vidhya B Sarpe)	Transfer	Await Service	17.08.2023
13	OA452/23	P'rbn	AdvShamsunder B Patil (Dr. Swati V Phad)	Transfer	Await Service	17.08.2023
14	OA473/23 With	A'bad	Adv Ajay S Deshmukh (Smt. Pragati R Chondekar) <u>Adv A S Shelke For R- 3</u>	Transfer	For Reply	21.07.2023
15	OA475/23 In Caveat 19/23 With	Hingoli	AdvAvinash S Deshmukh (Sharda N Dalvi) <u>Adv I K Jadhav/ Adv P L Jadhav</u>	Transfer	Await Service	21.07.2023
16	OA476/23	Hingoli	AdvPreeti R Wankhade (Navnath B Wagwad)	Transfer	Await Service	17.08.2023
17	OA483/23	A'bad	Adv P M Nagargoje (Venkat M Kendre)	Transfer	Await Service	20.07.2023
Order Matters						
18	MA534/19 In OAS2024/19	Beed	Adv R P Bhumkar (Subhash B Selukar&Ors.)	M.A For Delay Condonation	For Filing Affidavit in Rejoinder	18.08.2023
19	MA353/21 In MASt1144/21	Beed	Adv RP Bhumkar (Ramkrushna D Gore &Ors.)	M.A. For Condonation of Delay	For Filing Affidavit in Reply R-4	18.08.2023

	In OAS1145/21		<u>Adv D T Dewane For R- 4</u>		& For Filing Affidavit in Rejoinder Ref Order Dtd: 01.02.2023	
20	MA360/22 In OAS712/22 With	P'bhani	Adv A R Gaikwad (Murlidhar G Rathod)	M.A. For Condonation of Delay	For Reply	21.08.2023
21	MA361/22 In OAS713/22 With	P'bhani	Adv A R Gaikwad (Dnyanoba S Kokate)	M.A. For Condonation of Delay	For Reply	21.08.2023
22	MA362/22 In OAS714/22 With	P'bhani	Adv A R Gaikwad (Janardhan N Keadri)	M.A. For Condonation of Delay	For Reply	21.08.2023
23	MA363/22 In OAST766/22	P'bhani	Adv A R Gaikwad (Sarjerao L Tupsamindar)	M.A. For Condonation of Delay	For Reply	21.08.2023
24	MA437/22 In OAS1552/22	Nanded	Adv.B.G. Deshmukh (Balaji G Harale)	M.A. For Condonation of Delay	For Reply	21.08.2023
25	MA202/23 In OA155/23	P'rbn	AdvKakasaheb B Jadhav (Avinash V Raut)	MA For Interim Relief	For Reply	31.07.2023

Hon'ble Single Bench

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

Date: -06/07/2023

Suplimentary Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Regular Admission Matters						
1	MA300/23 In OA440/23	Beed	Adv.PoonamBodkePatil (Dr.Nathrao N Phad)	M.A. For Amendment	Circulation	20.07.2023

2	OA563/23	Latur	Adv.J.B. Choduhary (Dr.Shashikant B Kukale)	Transfer	Circulation	25.07.2023
3	OA564/23	Latur	Adv.J.B. Choudhary (Dr.Kiran V Todkari)	Transfer	Circulation	25.07.2023
4	OA565/23	A'bad	Adv.J.B. Choudhary (Dr.Mukta N Khaparkhuntikar)	Transfer	Circulation	25.07.2023
5	OA566/23	Latur	Adv.J.B. Choudhary (Dr. Anita G Pawar)	Transfer	Circulation	25.07.2023

**M.A.NO. 299/2023 IN M.A.ST.NO. 1269/2023 IN
O.A.ST.NO. 1239 /2023**

**(Shri Vishal Manohar Kamble 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 : 06.07.2023

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, 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 M.A. & 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.ST.NO. 1269/2023 IN O.A.ST.NO. 1239 /2023

(Shri Vishal Manohar Kamble & 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 : 06.07.2023

ORAL ORDER :

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

2. 72 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 sufficient, the delay is condoned. The present Misc. Application stands disposed of accordingly without any order as to costs.

5. The O.A. be registered in accordance of law.

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO. 1239 OF 2023

- 1. Shri Vishal s/o Manohar Kamble**
- 2. Ms. Ashwini d/o Laxman Gaikwad**
- 3. Shri Shashikant s/o Ashok Ghadge ...Applicants**

Vs.

The State of Maharashtra & Ors. ...Respondents

**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 : 06.07.2023

ORAL ORDER :

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

2. The case of the present applicants is identical with the cases of applicants in O.A.St.No. 1136/2023, O.A.No. 360/2022, O.A.No. 523/2023, M.A.No. 294/2023 in O.A.No. 430/2022 and M.A.No. 293/2023 in O.A.No. 664/2022. In the aforesaid Original Applications on 04.07.2023 this Tribunal has passed interim order by recording reasons. Applicants in the present matter stand at

//2// O.A.St.1239/2023

par with the applicants in the said Original Applications. In the circumstances for the reasons recorded in the order passed by this Tribunal on 04.07.2023 in O.A.St.No. 1136/2023, O.A.No. 360/2022, O.A.No. 523/2023, M.A.No. 294/2023 in O.A.No. 430/2022 and M.A.No. 293/2023 in O.A.No. 664/2022, in the present matter the same interim relief deserves to be granted in favour of the present applicants. Hence the following order:-

ORDER

- (i) Issue notice to the respondents, 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.

(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 this O.A. 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 Application.

//4// O.A.St.1239/2023

(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.

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

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

VICE CHAIRMAN

SAS ORAL ORDER 06.07.2023

ORIGINAL APPLICATION NO. 736 OF 2022

(Dr. Pradeep A. Shendge 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 : 06.07.2023

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Affidavit in rejoinder filed by the applicant is taken on record and copy thereof has been served on the other side.
3. S.O. to 11.07.2023 for admission.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 799 OF 2021

(Shri Shirish R. Yadav 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 : 06.07.2023

ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03.08.2023 for final hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 06.07.2023

ORIGINAL APPLICATION NO. 339 OF 2021

(Shri Arun S. Jadhav 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 : 06.07.2023

ORAL ORDER :

Shri Amol B. Chalak, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.08.2023 for admission. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 06.07.2023

C.P.ST.NO. 991 OF 2023 IN O.A.NO. 485 OF 2020

(Shri Vijay S. Jadhav 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 : 06.07.2023

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.07.2023.

VICE CHAIRMAN

SAS ORAL ORDER 06.07.2023

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 : 06.07.2023

ORAL ORDER :

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

2. S.O. to 11.07.2023. Interim relief granted earlier in O.A. to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 06.07.2023

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 : 06.07.2023

ORAL ORDER :

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

2. S.O. to 11.07.2023. Interim relief granted earlier in O.A. to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 06.07.2023

ORIGINAL APPLICATION ST.NO. 296 OF 2023

(Waseem Ayaz Baig 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 : 06.07.2023

ORAL ORDER :

None present on behalf of the applicant.
Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. S.O. to 09.08.2023.

VICE CHAIRMAN

SAS ORAL ORDER 06.07.2023

O.A.NOS. 451/2022, 452/2022 & 453/2022

(Dhammapal E. Ughade & 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 : 06.07.2023

ORAL ORDER :

None present on behalf of the applicants and respondent Nos. 4 & 5 in all these O.As. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these O.As., is present.

2. S.O. to 17.08.2023 for hearing.

VICE CHAIRMAN

SAS ORAL ORDER 06.07.2023

DATE : 06.07.2023

ORIGINAL APPLICATION NO. 396 OF 2023

(Mrs. Madhavi Shashikumar Harne (Kale) V/s The State of Maharashtra & Ors.)

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

1. Shri S.S. Shinde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.
2. Circulation is granted. Re-issue notice to the respondent No.2, returnable on 14.08.2023. The case be listed for admission hearing on **14.08.2023**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

M.A. No. 300/2023 in O.A. No. 440/2023
(Dr. Natharao N. Phad Vs. State of Maharashtra & Ors.)

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

DATE : 06.07.2023

ORAL ORDER :

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

2. The amendment is sought to the effect of correcting name and description of respondent No. 5.

3. Learned C.P.O. has no objection for allowing such amendment. Hence, the following order :-

ORDER

- (i) For the reasons stated in the application, the amendment is allowed.
- (ii) The amendment be carried out forthwith.
- (iii) Accordingly, M.A. stands disposed of with no order as costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 440 OF 2023
(Dr. Natharao N. Phad Vs. State of Maharashtra & Ors.)

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

DATE : 06.07.2023

ORAL ORDER :

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

2. Issue notice to the substituted respondent No. 5, returnable on 20.07.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 20.07.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 526 OF 2023
(Govind B. Bhokare 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 : 06.07.2023

ORAL ORDER :

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

2. There is a checkered history for the present matter as narrated by learned Counsel for the applicant. I am not reproducing the entire case of the applicant and will record the relevant facts necessary for considering his request of interim relief. It is not in dispute that the applicant came to be appointed as Junior Engineer in the year 1999. There is further no dispute that prior to that, in the year 1998 some 800 persons were given appointments on the post of Junior Engineer in the Earthquake Rehabilitation Program on contractual basis. The said officers were pursuing for their absorption in the Government service on permanent post. Their request ultimately came to be principally accepted by the Government and a resolution came

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O.A. No. 526/2023

to be passed in that regard on 14.07.1998. Perusal of the said resolution revealed that it was expressly mentioned by way of clause-3 of the said resolution that the appointments of those Junior Engineers on regular establishment shall be treated as new appointments and services rendered by the said Engineers on work charge establishment will not be considered. It appears that in the passage of time while preparing the provisional seniority list and thereafter permanent seniority list, some changes occurred detrimental to the interest of the present applicant and similar others. Some petitions have been also moved by absorbed Engineers wherein interim orders are passed by this Tribunal, which paved way for promotion of applicant and similar others to the post of Sub Divisional Engineer. Now the final seniority list has been published on 15.06.2023 of the cadre of Junior Engineers, wherein the name of the present applicant is shown much below the names of Junior Engineers recruited in the Earthquake Rehabilitation Program and who were subsequently absorbed in the Government service. It is the contention of the present applicant that baring few said Junior

Engineers, majority of them are junior to him, but they are shown in the seniority list above the applicant. In the circumstances, the applicant by filing the present Original Application has sought quashment of said seniority list. The applicant has also sought interim relief apprehending that based on the seniority list dated 15.06.2023, the Government may take a decision to revert the applicant and in the circumstances, a prayer has also been made to grant interim relief thereby restricting the respondents from reverting the applicant till the decision of the present Original Application.

3. Learned C.P.O. has sought time for filing affidavit in reply. Learned C.P.O. submitted that instead of grant of interim relief till decision of the O.A., it should be till decision of filing of affidavit in reply by the respondents. Suggestion given by the learned C.P.O. is worth considering.

4. After having gone through the pleadings in the O.A. and the documents placed on record, a prima-facie case is made out in favour of the applicant and apprehension of the applicant that he is likely to be

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O.A. No. 526/2023

reverted, cannot be said to be misplaced. In the circumstances, I deem it appropriate to pass the following order :-

ORDER

- i. Issue notices to the respondents, returnable on 07.08.2023, **till then the respondents shall not revert the applicant from 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) 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 07.08.2023.
- vii. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 874/2022

(Dr. Vinod B. Khedkar & 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 : 06.07.2023

ORAL ORDER :

Shri Ravindra Wankhede, learned counsel holding for Shri S.P. Urgunde, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought time to file affidavit in reply on behalf of respondents. Time granted.
3. S.O. to 07.08.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 201/2023
(Sharad S. Borse 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 : 06.07.2023

ORAL ORDER :

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

2. Learned P.O. has sought time for filing affidavit in reply on behalf of respondents. Time granted by way of last chance.

3. S.O. to 09.08.2023.

VICE CHAIRMAN

KPB ORAL ORDER 06.07.2023

ORIGINAL APPLICATION NO. 363/2023
(Bharat W. Ware 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 : 06.07.2023

ORAL ORDER :

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

2. Learned C.P.O. has sought time for filing affidavit in reply on behalf of respondents. Time granted by way of last chance.

3. S.O. to 09.08.2023.

VICE CHAIRMAN

KPB ORAL ORDER 06.07.2023

M.A. 38/2023 in O.A. NO. 861/2022
(Shobha R. Tak 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 : 06.07.2023

ORAL ORDER :

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

2. Affidavit in reply in M.A. is not filed despite availing due opportunities.

3. List the matte for hearing on 10.08.2023.

VICE CHAIRMAN

KPB ORAL ORDER 06.07.2023

ORIGINAL APPLICATION NO. 365/2023
(Trupti V. Andhare 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 : 06.07.2023

ORAL ORDER :

Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.S. Deshmukh, learned Advocate for respondent Nos. 3 to 7, are present.

2. S.O. to 11.07.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDER 06.07.2023

**ORIGINAL APPLICATION NO. 952 OF 2022
(Mangesh Balu Zore Vs. State of Mah. & Ors.)
W I T H
ORIGINAL APPLICATION NO. 960 OF 2022
(Siddheshwar P. Darade Vs. State of Mah. & Ors.)**

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

DATE : 06.07.2023

ORAL ORDER :

Heard Shri A.P. Shejul, learned counsel for the applicants and S/Shri N.U. Yadav and B.S. Deokar, learned Presenting Officer for the respective respondents in respective OAs.

2. Learned counsel for the applicant submits that some of the respondents, more particularly State authorities though have availed due opportunities for filing affidavit in reply, they have not yet filed the same. Learned counsel submits that there is some urgency in the matter. He has, therefore, prayed for listing the matter for hearing. Learned P.Os. have sought time by way of last chance. At their request the matters stand adjourned to 21.7.2023 and time is granted for filing affidavit in reply by way of last chance. It is made clear that if the affidavit in reply is not filed on or before the said date, the matters

:: - 2 - :: O.A.Nos. 952 & 960/2022

will be heard on the said date without affidavit in reply of the respondents.

3. S.O. to 21.7.2023.

VICE CHAIRMAN

ORAL ORDER 06.07.2023-HDD

- 1. O.A.ST. NO. 1155 OF 2023**
(Mukund B. Unhale & Ors. Vs. State of Mah. & Ors.)
- 2. O.A.ST. NO. 1156 OF 2023**
(Prabhakar K. Ghuge Vs. State of Mah. & Ors.)
- 3. O.A.ST. NO. 1157 OF 2023**
(Pralhad S. Lokhande Vs. State of Mah. & Ors.)
- 4. O.A.ST.NO. 1166 OF 2023**
(Mangala M. More Vs. State of Mah. & Ors.)

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

(All these matters are placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 06.07.2023

ORAL ORDER :

Heard Shri Jivan J. Patil, learned counsel for the applicants and S/Shri M.S. Mahajan, V.R. Bhumkar, M.P. Gude & N.U. Yadav, learned Chief Presenting Officer and learned Presenting Officers for the respective respondents in respective OAs.

2. Since identical issues and prayers are involved in all these matters, I have heard all these matters together and deem it appropriate to pass common order in all these matters.

3. The office has raised office objection in respect of limitation. According to the applicants, they have

**:: - 2 - :: O.A.ST.NOS. 1155, 1156,
1157 & 1166 ALL OF 2023**

approached this Tribunal by filing these matters well within limitation.

4. It is the grievance of the applicants that their names have been illegally deleted from the seniority list of Naib Tahsildars published on 13.6.2023. Learned counsel appearing for the applicants submits that some of the applicants have been confirmed as Naib Tahsildar and some are in the process. Learned counsel submits that in the similar circumstances this Tribunal while hearing O.A. No. 927/2022 has passed certain interim relief on 14.10.2022 and applicants are claiming the same interim relief in the present matters also. Learned counsel submitted that these applicants are likely to be relieved from the post of Naib Tahsildar. In the circumstances, request is made for grant of interim relief as was granted in O.A. No. 927/2022.

5. Learned Chief Presenting Officer has sought time for filing affidavit in reply in all these matters. However, insofar as order passed in O.A. No. 927/2022 is concerned, it is submitted that Court may pass the appropriate order.

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1157 & 1166 ALL OF 2023**

6. Having regard to the fact that the applicants stand at par with the applicant in O.A. No. 927/2022 and on perusal of the documents filed on record, it appears to me that the applicants have certainly made out a prima facie case for grant of interim relief. I deem it appropriate to pass the following order: -

ORDER

- (i) Issue notices to the respondents keeping open point of limitation, returnable on 7.8.2023.
- (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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(vi) The respondents shall not revert the applicants from the present post of Naib-Tahsildar until further orders by this Tribunal.

(vii) S.O. to 7.8.2023.

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

VICE CHAIRMAN

ORAL ORDER 06.07.2023-HDD

M.A.ST.NO. 1165/2023 IN O.A.ST.NO. 1155/2023
(Mukund B. Unhale & 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 : **06.07.2023**

ORAL ORDER :

Heard Shri Jivan J. Patil, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. 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.

4. 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

ORIGINAL APPLICATION NO. 73/2022
(Shri Chakardhar P. Wadie Vs. the State of Maharashtra & Ors.)

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

DATE : 6.7.2023

ORAL ORDER :

Heard Shri S.D. Dhongde, learned counsel holding for Smt. Suchita Dhongde, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities. Shri D.T. Devane, learned counsel for respondent no. 3 (**absent**).

2. Despite availing due opportunities, the affidavit in reply is not filed.

3. List the matter for hearing on 14.8.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 483/2023
(Shri Venkat Kendre Vs. the State of Maharashtra & Ors.)

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

DATE : 6.7.2023

ORAL ORDER :

Heard Shri P.M. Nagargoje, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Today when the present matter is taken up for consideration the learned Presenting Officer has sought time to file the affidavit in reply. In the present case the applicant, who is serving as Police Inspector presently at Aurangabad, is due to retire in the month of April, 2024. The applicant has already made representations to the appropriate authorities for transferring him at Nanded, which is his native district. However, his said representations are not given any consideration till date. In the circumstances, while granting time to the respondents to file the affidavit in reply it is further directed that the respondents shall decide

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O.A. NO. 483/2023

the last representation submitted by the applicant on 18.4.2023 by the said date.

3. S.O. to 20.7.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 6.7.2023

M.A. NO. 202/2023 IN O.A. NO. 155/2023
(Shri Avinash V. Raut Vs. the State of Maharashtra & Ors.)

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

DATE : 6.7.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities.

2. The learned Presenting Officer sought time to file the affidavit in reply to the Misc. Application. Time granted as a last chance.

3. S.O. to 31.7.2023.

VICE CHAIRMAN

O.A. NOS. 473, 475 AND 476 ALL OF 2023
(Smt. Pragati R. Chondekar & Ors. Vs. the State of Maharashtra & Ors.)

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

DATE : 6.7.2023

ORAL ORDER :

Heard S/shri S.B. Mene, learned counsel holding for Shri Ajay Deshpande, Shri Avinash Deshmukh and Ms. Preeti Wankhade, learned counsel for the applicants in respective O.As, S/shri N.U. Yadav, I.S. Thorat & Smt. M.S. Patni, learned Presenting Officers for the respondent authorities and Shri M.B. Kolpe, learned counsel holding for Shri A.S. Shelke, learned counsel for respondent no. 3 in O.A. No. 473/2023. Shri I.K./P.I. Jadhav, learned counsel for caveator in O.A. No. 475/2023 **(absent)**.

2. At the request of learned counsel for respondent no. 3 in O.A. No. 473/2023, S.O. to 21.7.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 521/2023
(Dr. Meena R. Latpate Vs. the State of Maharashtra & Ors.)

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

DATE : 6.7.2023

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 22.8.2023.
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 22.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 547/2023
(Shri Ashok R. Giri Vs. the State of Maharashtra & Ors.)

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

DATE : 6.7.2023

ORAL ORDER :

Heard Shri M.B. Kolpe, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 21.7.2023.
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 21.7.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 537/2021
(Shri Balasaheb S. Khairnar Vs. the State of Maharashtra & Ors.)

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

DATE : 6.7.2023

ORAL ORDER :

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

2. S.O. to 1.8.2023 for final hearing. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 252/2023
(Shri Balasaheb Y. Dhanave Vs. the State of Maharashtra & Ors.)

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

DATE : 6.7.2023

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. S.O. to 31.7.2023 for hearing. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

1. ORIGINAL APPLICATION NO. 550 OF 2023

(Dr. Surajkumar S. Kuril Vs. State of Maharashtra & Ors.)

2. ORIGINAL APPLICATION NO. 551 OF 2023

(Dr. Amarnath V. Awargaonkar Vs. State of Maharashtra & Ors.)

3. ORIGINAL APPLICATION NO. 552 OF 2023

(Dr. Smita M. Mundada Vs. State of Maharashtra & Ors.)

4. ORIGINAL APPLICATION NO. 553 OF 2023

(Dr. Sarfaraz Ahmed Sirajuddin Vs. State of Maharashtra & Ors.)

5. ORIGINAL APPLICATION NO. 554 OF 2023

(Dr. Laiq Ahmed Jaffari Vs. State of Maharashtra & Ors.)

6. ORIGINAL APPLICATION NO. 555 OF 2023

(Dr. Pratibha R. Deshmukh Vs. State of Maharashtra & Ors.)

7. ORIGINAL APPLICATION NO. 556 OF 2023

(Dr. Rupali A. Gaikwad Vs. State of Maharashtra & Ors.)

8. ORIGINAL APPLICATION NO. 557 OF 2023

(Dr. Shilpa Y. Pawar Vs. State of Maharashtra & Ors.)

9. ORIGINAL APPLICATION NO. 558 OF 2023

(Dr. Deelip G. Jaiswal Vs. State of Maharashtra & Ors.)

10. ORIGINAL APPLICATION NO. 559 OF 2023

(Dr. Abdullah Mohdmattenuddin Ansari Vs. State of Maharashtra & Ors.)

11. ORIGINAL APPLICATION ST. NO. 1253 OF 2023

(Smt. Shaikh Nek Parveen H. Vs. State of Maharashtra & Ors.)

12. ORIGINAL APPLICATION NO. 563 OF 2023

(Dr. Shashikant B. Kukale Vs. State of Maharashtra & Ors.)

13. ORIGINAL APPLICATION NO. 564 OF 2023

(Dr. Kiran V. Todkari Vs. State of Maharashtra & Ors.)

14. ORIGINAL APPLICATION NO. 565 OF 2023

(Dr. Mukta N. Khaparkhantikar Vs. State of Maharashtra & Ors.)

15. ORIGINAL APPLICATION NO. 566 OF 2023

(Dr. Anita G. Pawar Vs. State of Maharashtra & Ors.)

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O.A. NOS. 550/2023 & Ors.

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

DATE : 6.7.2023

ORAL ORDER :

Heard Shri J.B. Choudhary, learned counsel for the applicants in all these matters and S/shri M.S. Mahajan, B.S. Deokar, I.S. Thorat, V.B. Bhumkar, S.K. Shirse, D.R. Patil, M.P. Gude & N.U. Yadav, learned Chief Presenting Officer & Presenting Officers for the respective respondents in respective matters.

2. The learned counsel for the applicants sought leave of the Tribunal to replace the Annex. A-1 page 16 & 17 of paper book in O.A. St. 1253/2023. Leave as prayed for is granted. The said document be replaced forthwith.

3. Since in all these applications the impugned orders of transfer are challenged on the similar grounds and reliefs claimed in all these applications are identical, I have heard all these matters together and deem it appropriate to pass a common order in all these applications.

4. The personal information as about the existing posting of the applicants and the places to which now they have been transferred vide the orders impugned in

::-3-:: **O.A. NOS. 550/2023 & Ors.**

the respective original applications is provided herein below in the tabular form: -

O.A. No.	Name of the applicants	Existing place of working	Place of transfer
550/2023	Dr. Surajkumar S. Kuril	Aurangabad	Nandurbar
551/2023	Dr. Amarnath V. Awargaonkar	Aurangabad	Osmanabad
552/2023	Dr. Smita M. Mundada	Aurangabad	Dhule
553/2023	Dr. Sarfaraz Ahmed Sirajuddin	Nanded	Aurangabad
554/2023	Dr. Laiq Ahmed Jaffari	Aurangabad	Dhule
555/2023	Dr. Pratibha R. Deshmukh	Aurangabad	Akola
556/2023	Dr. Rupali A. Gaikwad	Aurangabad	Jalgaon
557/2023	Dr. Shilpa Y. Pawar	Aurangabad	Osmanabad
558/2023	Dr. Deelip G. Jaiswal	Aurangabad	Ambajogai
559/2023	Dr. Abdullah Mohdmattenuddin Ansari	Aurangabad	Nandurbar
St. 1253/2023	Smt. Shaikh Nek Parveen H.	Aurangabad	Nandurbar
563/2023	Dr. Shashikant B. Kukale	Latur	Aurangabad
564/2023	Dr. Kiran V. Todkari	Latur	Parbhani
565/2023	Dr. Mukta N. Khaparkhuntikar	Aurangabad	Jalgaon
566/2023	Dr. Anita G. Pawar	Latur	Parbhani

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5. It is the common grievance of all these applicants that their transfers have been effected abruptly without following the procedure laid down in the Maharashtra Government Servant Regulation of Transfer and Prevention in Discharge of Official Duties Act, 2005 (for short 'the Transfer Act, 2005'). It is the specific contention raised on behalf of the applicants that before passing the impugned orders the respondents did not prepare the list of officers due for transfer. It is their further contention that as laid down in the Government Resolution dated 9.4.2018 the procedure of counselling, as well as, inviting options/preferences from the officer due for transfer has also not been followed. Shri J.B. Choudhary, learned counsel appearing for the applicants submitted that the applicants do not dispute that they have completed their ordinary tenure as provided under Section 3 of the Transfer Act, 2005 on their existing post. Learned counsel however, submitted that though the ordinary tenure is of 3 years, it is discretion of the State Government whether to retain such officer completing tenure at his existing place or to transfer him and for that purpose a specific provision is made vide Sub-section 2 of Section 4 mandating the competent authority to 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 said year. The learned counsel submitted that such list was prepared for the last year,

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but has not been prepared for the current year. In the circumstances, the applicants were bona fide believing that they were not liable to be transferred this year, but subsequently to their surprise their transfer orders are issued. The learned counsel further submitted that the process of counselling and inviting options from the Government officers due for transfer is introduced to harmonize the transfers since that process has not been followed the applicants and many others have been transferred at the inconvenient places. Learned counsel in the circumstances has prayed for staying the effect and operation of the impugned orders till the decision of the present OAs.

6. Shri M.S. Mahajan, learned Chief Presenting Officer tendered across the bar a copy of communication dated 6.7.2023 along with certain documents received to his office from the State Government. Learned C.P.O. submitted that the guidelines laid down in the G.R. dated 9.4.2018 are not applicable to the applicants since all the applicants are Group-A officers. Learned C.P.O. further submitted that the transfers of the applicants have been effected on recommendation of the Civil Services Board constituted for the purpose. Learned C.P.O. submitted that the applicants are working at their existing places since last many years and have long back completed their

ordinary tenure at their existing posts. Learned C.P.O. further pointed out that the Civil Services Board in its meeting held on 23.5.2023 has elaborately discussed the necessity of effecting the transfers of the applicants and the recommendations of the Civil Services Board have been accepted by the competent authority.

7. Learned C.P.O. further submitted that the transfers are effected by taking into account the welfare of the students, as well as, public at large. It is further contended that the transfers are effected within the limit of 30% as laid down in the guidelines and officers who are at one station and on one post for a longer period have been transferred by taking into account the administrative need. Learned C.P.O. further pointed out that in the minutes of the meeting of the Civil Services Board it has been explained that since the applicants belong to Group-A, there was no requirement of counselling before ordering their transfers. Learned C.P.O. submitted that the transfers are ordered so as to ensure that in every Government Medical College and more particularly in newly established Medical Colleges adequate number of Assistant Professors become available.

8. Learned C.P.O. further submitted that the applicants have already relieved from their existing posts. It is further contended that if the impugned orders are stayed there may be dearth of Assistant Professor at the colleges to which the applicants have been transferred which may result in causing grave prejudice to the students in the said Medical Colleges and to the public at large coming for treatment in the hospitals attached to the said medical colleges. Learned C.P.O. in the circumstances opposed for grant of any interim relief and prayed time for filing affidavit in reply on behalf of the respondents.

9. I have duly considered the submission made on behalf of the applicants, as well as, the respondents. I have also gone through the documents filed on record. As has been submitted on behalf of the applicants they are not disputing the fact that they are due for transfer, as every one of them has completed the ordinary tenure at their existing posts. Their grievance is that the procedure has not been observed which is mandatory in view of the provisions under the Transfer Act, 2005.

10. From the pleadings raised in the OAs and the arguments made on behalf of the applicants it could be gathered that the applicants expect that they shall be

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transferred at some convenient place according to their seniority. As has been argued on behalf of the applicants that the process of counselling has to be followed without any exception for the reason that it creates platform for the officers due for transfer to make a submission about their genuine difficulties, so that they are ordinarily not transferred beyond the places of their choices or preferences. The Government has come out with a stand that neither the counselling was necessary nor there was requirement of preparing and declaring any list of the applicants due for transfer as they all are Group 'A' officers and in their cases the guidelines laid down under G.R. dated 9.4.2018 also do not apply. Even in the minutes of the meeting of the Civil Services Board it is mentioned that for the applicants who fall in the category of Group 'A' officer, counselling was not necessary before directing their transfers.

11. Whether the applicants fall in the category of officers in Group 'A' or Group 'B', there are rival contentions raised by the parties. According to the applicants even in the order of their impugned transfers they have been specifically described as Group-B officers and for all purposes the Government is treating the applicants as officers falling in Group-B. It further appears to me that if according to the respondents the

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applicants fall in the category of Group-A officers, the respondents could not have effected their transfers without approval from the Hon'ble Chief Minister. In the present matters there is no approval from the Hon'ble Chief Minister to the orders of transfer impugned in the present Original Applications.

12. It is further significant to note that in the impugned orders it has been specifically mentioned that the transfers are being effected under Section 4(1), 4(2) and 4(3) of the Transfer Act, 2005. I deem it appropriate to reproduce Section 4(1) to 4(3) of the Transfer Act, 2005, 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*

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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.”

13. From the facts which have argued and which are narrated by me hereinbefore, admittedly there is no compliance of Section 4(2), as well as, 4(3) of the Transfer Act, 2005. Prima-facie it appears that the guidelines laid down under G.R. dated 09.04.2018 also were required to be observed before making the transfers of the applicants. From the material on record, it is quite evident that the said guidelines are not followed. It has to be further noted that though it was vehemently argued by the learned C.P.O. that in newly established Government Medical Colleges there is dearth of Assistant Professors and applicants are reluctant to join at the said colleges and in the circumstances, the Civil Services Board was required to take a decision to recommend the transfers of the applicants, who are beyond their ordinary tenure have been working at their existing places, the submissions so made is not substantiated by the respondents. If the orders of transfer are seen, two of the applicants are only posted at the newly established Government Medical Colleges.

14. After having considered the submissions made by the parties discussed hereinabove, it appears to me that when a special Act has been brought for regulating the transfers of the employees and when the Government has issued certain guidelines from time to time, the Government is expected to follow the said guidelines in letter and spirit. In the instant matters since the transfers appear to have been made in breach of provisions of the Transfer Act, 2005, as well as, the guidelines issued by the Government in that regard, the applicants have certainly made out a prima-facie case in their favour.

15. It need not be stated that there are adequate provisions in the Transfer Act, 2005 empowering the Government to make transfers if there is such administrative exigency, to transfer its officers/employees even before completing their ordinary tenure on the post by recording reasons. Had the transfers made by invoking such powers, the situation would be different. However, in the present orders of transfer it is provided that the transfers have been made under the provisions of Section 4(1), 4(2) and 4(3) of the Transfer Act, 2005 and when the material on record prima-facie evinces that the said provisions have not been followed, a

::-12-:: **O.A. NOS. 550/2023 & Ors.**

prima-facie case is made out by the applicants for grant of interim relief.

16. There are rival contentions on the fact whether the applicants are relieved or not. When the applicants have come out with a case that they have not been relieved, the learned C.P.O. has placed on record the document showing that all the applicants are relieved from their existing posts. However, no information is provided by the learned C.P.O. whether somebody has been appointed / transferred in the places of these applicants. The learned counsel for the applicants has asserted that no one has been transferred or appointed in places of the applicants. In the circumstances, it does not appear to me that any grave prejudice is likely to be caused to the respondents if the applicants are permitted to discharge their duties on their existing posts, till filing of the affidavit in reply by the respondents. It is clarified that if it is revealed that in place of any applicant someone has been appointed or transferred and has been relieved from his earlier post prior to passing of this order, the said applicant will be liable to be relieved. The learned counsel for the applicants has not opposed for passing such order. Hence, I pass the following order :-

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ORDER

1. Issue notice to respondents, returnable on 25.7.2023, **till then the respondents shall permit the applicants to discharge their duties on their existing posts.**
2. **It is clarified that if it is noticed that any appointment or transfer has been made in place of any applicant and said person has been relieved from his earlier post prior to passing of this order, the said applicant would be liable to be relieved from his existing post.**
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 25.7.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN