

ORIGINAL APPLICATION NO.229/2020
(Dr. Manik Sangale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 14-09-2020.

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.

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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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 14.09.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 06.08.2020

ORIGINAL APPLICATION ST. NO.589/2020
(Sunil Thakur Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant states that he will remove office objections within 2 days.

3. Issue notice to the respondents, returnable on 03-09-2020.

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.

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O.A.ST.NO.589/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

9. S.O. to 03.09.2020.

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

VICE CHAIRMAN

YUK ORAL ORDERS 06.08.2020

ORIGINAL APPLICTION ST. NO.620/2020
(Shrikant Mundhe Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

Heard Shri V.M.Maney learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer, S.O. to 10-08-2020 for taking instructions from the respondents.

VICE CHAIRMAN

YUK ORAL ORDERS 06.08.2020

C.P.NO.17/2017 IN O.A.NO.63/2015

WITH

REVIEW ST.1217/2019

(Saylu P. Nawod Vs. Shri I.S.Chehal & Ors and State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

Heard Shri S.D.Joshi learned Advocate for the applicant, Shri M.P.Gude learned Presenting Officer for the respondents & Contemnor nos.1 & 3, and Shri S.B.Mene learned Advocate for the Contemnor no.2.

2. Learned Advocate for the Contemnors sought time to produce documents regarding payment of DCRG and difference of pension made to the applicant in view of the disputed order. Time is granted accordingly.

3. Contemnors are directed to produce documents regarding payment made to the applicant, if any, failing which they shall be directed to remain present before the Tribunal personally.

4. S.O. to 07-09-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 06.08.2020

ORIGINAL APPLICATION NO.868/2019
(Dr. Suryakant Lonikar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. prays for adjournment. Adjournment is granted to the respondents to produce the relevant record.

3. S.O. to 27-08-2020.

VICE CHAIRMAN

YUK ORAL ORDERS 06.08.2020

ORIGINAL APPLICATION NO.880/2019

(Yogesh s/o. Raosaheb Wagh Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

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

2. Applicant has prayed for following reliefs by filing the present O.A.:

B) By allowing this Original Application, the respondent No.1 and 2 may kindly be directed to decide the applications dated 28.5.2018 and 31.12.2018 submitted by the present applicant in respect of transfer and consequently the applicant may kindly be transferred from the respondent No.3 Dr. Shankarrao Chavan Government College and Hospital, Nanded to the respondent No.4 Government College and Hospital, Latur.

C) By allowing this Original Application, the benefit of government resolutions dated 15.12.2004 in respect of disabled persons as well as coupled conveniences may kindly be given to

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O.A.NO.880/2019

the present applicant and consequently the applicant may kindly be transferred from the respondent No.3 Dr. Shankarrao Chavan Government College and Hospital, Nanded to the respondent No.4 Government College and Hospital, Latur.

3. Learned Advocate for the applicant has submitted that as the relief claimed by the applicant is limited, the purpose of filing the O.A. will be served in case the respondent no.2 is directed to take appropriate decision on the representations dated 28-05-2018 and 31-12-2018 filed by the applicant taking into consideration the G.R. dated 15-12-2004 within reasonable time. Therefore, he has prayed to dispose of the O.A. with direction to respondent no.2 to decide the representations.

4. Learned P.O. submits that reasonable time may be given to the respondents to take decision on the representations dated 28-05-2018 and 31-12-2018.

5. In view of the submissions of the learned Advocate for the applicant as well as the learned P.O.,

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O.A.NO.880/2019

it will be just and proper to direct the respondent no.2 to take appropriate decision on the representations dated 28-05-2018 and 31-12-2018 filed by the applicant in view of the G.R. dated 15-12-2004 within reasonable time.

6. In view of the above, O.A. stands disposed of with direction to the respondent no.2 to take decision on the representations dated 28-05-2018 and 31-12-2018 in view of G.R. dated 15-12-2004 within one month from today and communicate the decision thereon to the applicant in writing. Accordingly, O.A. stands disposed of with no order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1099 OF 2019
(Ramraje G. Pawar Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

Heard Shri Kiran G. Salunke, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted that no affidavit in reply of respondent No. 2 has been filed in the present Original Application. But on the last date i.e. on 8.7.2020 inadvertently learned Presenting Officer has made a statement that affidavit in reply of respondent No. 2 has been filed. She has submitted that in fact in another matter i.e. in O.A. No. 30/2020 the affidavit in reply of respondent No. 2 has been filed and, therefore, the said mistake has been committed.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of all the respondents. Time granted.

4. S.O. to 10th September, 2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 30 OF 2020

(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

Heard Shri Kiran G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer has submitted that in the present O.A. affidavit in reply of respondent No. 2 has already been filed on the last date i.e. on 8.7.2020. But, wrongly it has been mentioned that affidavit in reply of respondent No. 2 is not filed.

3. On perusal of record it reveals that affidavit in reply of respondent No. 2 has already filed by the learned Presenting Officer on 8.7.2020.

4. At the request of learned Chief Presenting Officer, S.O. to 10th September, 2020 for filing affidavit in reply on behalf of respondent Nos. 1 & 3 to 6.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 189 OF 2020
(Sanjeev G. Vispute & Ors. Vs. State of Maharashtra &
Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 3rd September, 2020 for filing affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ORAL ORDERS 06.08.2020-HDD

**ORIGINAL APPLICATION NO. 122 OF 2020
(Sandip P. Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

Heard Shri A.B. Girase, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3. Shri Suresh D. Dhongde, learned Advocate for respondent No. 4 (**absent**).

2. At the request of learned Presenting Officer for the respondents, S.O. to 20th August, 2020 for filing affidavit in reply on behalf of the respondent Nos. 1 to 3.

VICE CHAIRMAN

ORAL ORDERS 06.08.2020-HDD

**ORIGINAL APPLICATION NO. 170 OF 2020
(Piraji L. Sormare Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri V.B. Wagh, learned Advocate for respondent No. 4.

2. Learned Advocate for the applicant has filed rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. Learned Chief Presenting Officer submits that he wants to go through the rejoinder filed by the applicant and seeks time. Time granted.

4. S.O. to 13.08.2020. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 06.08.2020-HDD

**ORIGINAL APPLICATION NO. 89 OF 2019
(Rajendra A. Jehurkar Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 06.08.2020

ORAL ORDER :

Heard Shri Sujeet D. Joshi, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri V.B. Wagh, learned Advocate for respondent No. 4.

2. At the request of learned Presenting Officer, S.O. to 20th August, 2020 for enabling him to take instructions from the concerned respondent.

VICE CHAIRMAN

ORAL ORDERS 06.08.2020-HDD

**ORIGINAL APPLICATION NO. 224 OF 2020
(Anil P. Ubale Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

(The present case has been placed before the
Single Bench due to non-availability of Division
Bench)

DATE : 06.08.2020

ORAL ORDER :

Heard Shri G.J. Karne, learned Advocate for the
applicant and Mrs. Priya R. Bharaswadkar, learned
Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant,
S.O. to 20th August, 2020.

VICE CHAIRMAN

ORAL ORDERS 06.08.2020-HDD

**M.A.ST. 533/2020 IN O.A.ST.NO. 534/2020
(Mangesh M. Wagholikar & Ors. Vs. State of
Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

(The present case has been placed before the
Single Bench due to non-availability of Division
Bench)

DATE : 06.08.2020

ORAL ORDER :

Heard Shri Kiran G. Salunke, learned Advocate for
the applicants and Shri M.S. Mahajan, learned Chief
Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant,
S.O. to 14th September, 2020.

VICE CHAIRMAN

ORAL ORDERS 06.08.2020-HDD

ORIGINAL APPLICATION NO. 223 OF 2020
(Divya S. Nandi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

(The present case has been placed before the
Single Bench due to non-availability of Division
Bench)

DATE : 06.08.2020

ORAL ORDER :

Heard Shri Santosh S. Jadhavar, learned Advocate
for the applicants and Mrs. Priya R. Bharaswadkar, learned
Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant,
S.O. to 7th September, 2020.

VICE CHAIRMAN

ORAL ORDERS 06.08.2020-HDD

ORIGINAL APPLICATION NO. 198/2020

(Harishchandra B. Bhujbal Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

DATE : 6.8.2020

ORAL ORDER :

Heard Shri Madhav Mundhe, learned Advocate holding for Shri G.J. Pahilwan, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 13.8.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 6.8.2020

ORIGINAL APPLICATION NO. 534/2019

(Mahesh H. Badake Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 6.8.2020

ORAL ORDER :

Heard Miss. Preeti R. Wankhade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has placed on record a copy of communication dated 3.8.2020 received to her from the applicant for withdrawal of the present O.A. The same is taken on record and marked as document 'X' for the purposes of identification. She has submitted that in view of the aforesaid communication, the applicant does not want to proceed with the O.A. and wants to withdraw the same. Therefore, she seeks leave of this Tribunal to withdraw the O.A.

3. Learned Presenting Officer has prayed to pass the necessary order.

4. In view of the submissions advanced by the learned Advocate for the applicant, leave as prayed for is granted. The O.A. is disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 228/2020

(Santosh D. Dhongade Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 6.8.2020

ORAL ORDER :

Heard Shri Abhishek R. Avachat, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 14.9.2020.

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

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(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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 14.9.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 6.8.2020

ORIGINAL APPLICATION ST. NO. 555/2020

(Dadabhau N. Gawali N. Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 6.8.2020

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 27.8.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 6.8.2020

ORIGINAL APPLICATION NO. 188/2020

(Sangameshwar K. Rasure N. Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 6.8.2020

ORAL ORDER :

None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. Learned P.O. has submitted that the applicant has filed the present O.A. claiming limited relief and prayed to direct the respondent no. 3 to include the name of the applicant in the list of the eligible candidates and to consider his candidature for the post of Pharmacist and Store Officer on the basis of his application dated 18.4.2020. Learned P.O. has submitted that the respondent no. 3 has included the name of the applicant in the list of eligible candidates and considered his case for appointment on the post of Pharmacist and Store Officer and informed him accordingly by the written communication dated 21.7.2020. He has produced on record the copy of the communication dated 21.7.2020. The said communication is taken on record and marked as document 'X' for the purpose of identification.

3. Learned P.O. has further submitted that the purpose of filing of the present O.A. is satisfied and therefore prayed to dispose of O.A. accordingly.

4. The applicant has filed the present O.A. for the following limited relief :-

“(B) The respondent no. 3 – Deputy Director of Health Services Latur be directed to include the name of the applicant in the list of eligible candidates and consider the candidature of the applicant for the posts of Pharmacist and Store Officer on the basis of his applications dated 18.4.2020.”

5. On perusal of the communication dated 21.7.2020 issued by the respondent no. 3 to the learned P.O. and the annexures attached thereto it reveals that the name of the applicant has been included in the list of eligible candidates for the post of Pharmacist and Store Officer at Sr. No. 82 and he is considered for the post of Pharmacist and Store Officer on the basis of his application dated 21.7.2020.

6. Since the name of the applicant has been included in the list of eligible candidates and his case has been considered for the post to the post of Pharmacist and Store Officer, nothing survives in the present O.A. The purpose of filing the O.A. has been

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O.A. NO. 188/2020

satisfied. Hence it requires to be disposed of accordingly.

7. In these circumstances, the O.A. stands disposed of. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 6.8.2020

ORIGINAL APPLICATION NO. 222/2019

(Balasaheb K. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 6.8.2020

ORAL ORDER :

Heard Shri P.A. Kulkarni, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has produced on record copy of the notification dated 11.6.2019 issued by the Government amending the Clerk-Typist, Group 'C' in the Government Offices, outside Greater Mumbai (Recruitment) Rules, 2017. It is taken on record and marked as document 'X' for the purpose of identification. Learned Advocate for the applicant has submitted that in view of the said notification and amendment in the Recruitment Rules, the purpose of filing the present O.A. has been satisfied. Therefore, he prayed to dispose of the O.A. accordingly.

3. Learned Presenting Officer has submitted that necessary order may be passed.

4. In view of the submissions of the learned Advocate for the applicant the present O.A. stands

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O.A. NO. 222/2019

disposed of as the purpose of filing the O.A. is satisfied. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 6.8.2020

ORIGINAL APPLICATION NO. 223/2019

(Rameshwar E. Chadidar Vs. State of Maharashtra & Ors.)

CORAM : B.P. PATIL, VICE CHAIRMAN

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

DATE : 6.8.2020

ORAL ORDER :

Heard Shri P.A. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has produced on record copy of the notification dated 11.6.2019 issued by the Government amending the Clerk-Typist, Group 'C' in the Government Offices, outside Greater Mumbai (Recruitment) Rules, 2017. It is taken on record and marked as document 'X' for the purpose of identification. Learned Advocate for the applicant has submitted that in view of the said notification and amendment in the Recruitment Rules, the purpose of filing the present O.A. has been satisfied. Therefore, he prayed to dispose of the O.A. accordingly.

3. Learned Presenting Officer has submitted that necessary order may be passed.

4. In view of the submissions of the learned Advocate for the applicant the present O.A. stands

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O.A. NO. 223/2019

disposed of as the purpose of filing the O.A. is satisfied. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 6.8.2020