

M.A. No. 143/2021 in O.A. St. No. 566/2021
(Ramrao K. Yadav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 07.06.2021

ORAL ORDER :

1. By this Misc. Application, the applicant Nos. 1 to 18 are seeking permission to sue jointly.

2. Learned Advocate for the applicants submits that the applicant No. 12 viz. Dipak Ramesh Borey is presently working in Taluka Agriculture Office at Mehkar, Dist. Buldhana. His place of working is beyond the jurisdiction of this Tribunal. Therefore, he seeks permission to delete the name of applicant No. 12.

3. In the facts and circumstances, permission to delete the name of applicant No. 12 is granted. The applicant shall amend the O.A. forthwith. Consequently, the applicant Nos. 13 to 18 are renumbered as 12 to 17.

4. The applicants in the O.A. are challenging the impugned communication/order dated 17.05.2021 issued by the respondent No. 3 to the respondent Nos. 5 and 6 asking them to fill up the promotional posts of Agriculture Supervisor without holding the Limited Departmental Examination. The applicants states that they are likely to be suffered by the said impugned order and hence, this Misc. Application.

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5. Heard Shri S.D. Munde, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

6. In the facts and circumstances as pleaded in the Misc. Application and O.A., it is evident that the applicants are claiming same benefits from the same department of respondent authorities. In view of the same, permission to sue jointly is granted, subject to payment of court fee stamps, if not paid.

7. 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.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 566 OF 2021
(Ramrao K. Yadav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 07.06.2021

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 21.06.2021.

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.

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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. Applicants are directed to file affidavit of compliance and notice.

7. S.O. to 21.06.2021.

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

MEMBER (A)

MEMBER (J)

C.P. 03/2020 in C.P. 47/2018 in O.A. 138/2016
(Dr. Shaikh Faiz Mohammad Noor Mohammad Vs. State of Maharashtra & Ors.)

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

DATE : 07.06.2021

ORAL ORDER :

Shri I.D. Maniyar, learned Advocate for the applicant
(Absent).

Heard Shri V.R. Bhumkar, learned Presenting Officer
for the respondents.

2. As none present for the applicant, S.O. to
28.06.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 24/2020 in O.A. No. 937/2018
(Pradip S. Dahale Vs. State of Maharashtra & Ors.)

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

DATE : 07.06.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that still the notice is not served upon the respondent No. 4.

3. Learned Advocate for the applicant seeks issuance of fresh notice upon the respondent No. 4.

4. Hence, issue fresh notice to the respondent No. 4 in C.P., returnable on 02.07.2021.

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

6. 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.

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C.P. 24/2020 in
O.A. 937/18

7. 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.

8. 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.

9. S.O. to 02.07.2021.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 256/2021
(Smt. Priya A. Salve Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 7.6.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By the present O.A. the applicant is challenging her impugned transfer order dated 1.6.2021 issued by the respondent No. 2 thereby the applicant has been transferred from the post of Forester, Waranga, Hingoli Forest Division to the post of Forester at Jintoor in Parbhani District under the Social Forestry Division. The learned Advocate for the applicant pointed out that the applicant is working at Waranga, Hingoli Forest Division since 2.11.2019. Annex. A-3 page 20 of paper book is her joining report dated 2.11.2019 at Waranga, Hingoli Forest Division.

3. Perusal of the impugned transfer order dated 1.6.2021 would show that it is mid tenure transfer order made by the respondent no. 2 as per the section 4(4) & 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short the 'Transfer Act, 2005'). In the

said impugned order dated 1.6.2021 there is reference of clause 2(3) of the G.R. dated 10.5.2021.

4. The applicant has relied on the G.R. dated 10.5.2021 by which the Transfer of the Government servant under the Transfer Act, 2005 is banned, but as per clause 2 thereof under 3 different circumstances the transfer is allowed midterm. Prima-facie, the respondents said to have also referred G.R. dated 10.5.2021 and the reason permitted therein for issuing the impugned transfer order of the applicant dated 1.6.2021.

5. In view of above, it would be just and proper to consider the prayer of the applicant of granting interim stay to the impugned transfer order upon receiving affidavit in reply from the respondents at the earliest.

6. In the circumstances, issue notice to the respondents, returnable on 16.6.2021.

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

8. 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

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would be taken up for final disposal at the stage of admission hearing.

9. 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.

10. 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.

11. S.O. to 16.6.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 356/2020
(Kiran B. Kolpe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 7.6.2021

ORAL ORDER :

Heard Shri N.B. Narwade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3. It is taken on record and copy thereof has been supplied to other side.

3. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.

4. In the circumstances, S.O. to 21.6.2021 for filing rejoinder affidavit by the applicant and also for hearing at the stage of admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 357/2020
(Vinod R. Borge Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 7.6.2021

ORAL ORDER :

Heard Shri N.B. Narwade, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.

4. In the circumstances, S.O. to 21.6.2021 for filing rejoinder affidavit by the applicant and also for hearing at the stage of admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 86/2019
(Bhimrao S. Pawar Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 118/2019
(Dagadu K. Dhage Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 278/2019
(Bhagwat M. Waghmare Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 421/2019
(Ramesh S. Bari Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 392/2020
(Ramchandra Shinde Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 394/2020
(Waman K. Mane Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 395/2020
(Arjan B. Misal Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 398/2020
(Jayashri K. Todkari Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 7.6.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these matters.

2. Learned Advocate for the applicants in all these matters submits that the respondents are taking time only to verify the status of the S.L.P., if any, filed before the Hon'ble Supreme Court against the common order dated

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O.A. NO. 86/2019 & ORS.

26.5.2020 passed by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in writ petition Nos. 8033/2019, 7428/2016, 7833/2016 & 11722/2016. Learned C.P.O. for the respondents at this stage submits that he would take instructions and communicate the present status of the said pending S.L.P.

3. Record shows that pleadings are complete in the present matters long back and the matters are kept for final hearing only. In view of the same, the learned C.P.O. for the respondents to seriously work upon seeking instructions as regards the status of the S.L.P. and communicate the same to this Tribunal positively by the next date.

4. In the circumstances, S.O. to 28.6.2021 for reporting compliance by the learned C.P.O. for the respondents on the above line.

MEMBER (J)