

**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: -07/07/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	CPSt504/23 In OA57/20	P'bhani	Adv.PranilSonawane/ Adv.A.B. Rajkar (SayemaSulemanPathan&Ors.)	Contempt Petition	With Office Objection	21.08.2023
2	TA03/23 WP13847/21 with	Nashik	Adv.Abhijit S More (Kapil K Gujar&Ors.) <u>Adv.A.G. Talhar For R.No.1</u>	<u>High Court Time Limit On Or Before 30.06.2023</u> High Court Direction Termination/ Challenging G.R.	For Hearing	09.08.2023
3	TA04/23 WP3935/21 with	Satara	Adv.Dr. Suresh Mane (GramvikasShakiyaKantrathiKarmachari Sanghthana through President &Ors.)	Termination		09.08.2023
4	TA05/23 WP4762/20 with	Beed	Adv.Sachin S Deshmukh (Vinayak S Ware &Ors.)	Challenging Advertisement		09.08.2023
5	TA06/23 WP4765/20 with	Beed	Adv.SayyedTauseefYaseen (Ubale S Suresh &Ors.)	Challenging Advertisement		09.08.2023
6	TA07/23 WP5233/20 with	Beed	Adv.S.A. NagarSoge (Pralhad K Ugale) <u>Adv.R.R. Bangar For R.No.1</u>	Termination		09.08.2023

7	TA08/23 WP5591/20 with	Beed	Adv.S.S. Thombre (Pravin V Hadade&Anr.) <u>Adv.Umesh Mote For R.Nos.2 & 3</u>	Termination		09.08.2023
8	TA09/23 WP5588/20 with	Beed	Adv.S.S. Jadhavar (Sonali S Bhosale) <u>Adv.Umesh Mote For R.No.2</u>	Termination		09.08.2023
9	TA10/23 WP5592/20 with	Beed	Adv.S.S. Thombre (Surekha K Wani&Ors.) <u>Adv.Umesh Mote For R.No.2</u>	Termination		09.08.2023
10	TA11/23 WP7243/20 With	Mumbai	Adv.MahadevChaudhari/ Adv.KrishnaRodge (Maharashtra State Contractual Employees Federation, (Prop.) Through its working President Sachin S Jadhav)	Termination		09.08.2023
11	TA16/23 WP5776/21	P'bhani	Adv.Adv.SayyedTauseefYaseen (Gajanan N Tehare&Ors.) <u>Adv.R.R. Bangar for R.No.1</u>	Termination/ Challenging Circular		09.08.2023
12	MA290/23 In OAS1138/20	Beed	Adv.A.N. Sabnis (Vishnu S Sanap)	M.A. For Restoration		30.08.2023
Order Matters						
13	MA93/17 In OA801/22	A'bad	Adv.H.A. Joshi (Manjushree B Deshpande)	M.A. For Amendment	For Hearing	28.08.2023
14	MA79/21 In OAS288/21	Nanded	Adv.Hemant D More (Pralhad V Fiske)	M.A. For Condonation of Delay	For Hearing Reply Filed by R- 1 to R-4	29.08.2023
15	MA165/21 In OA36/13	Latur	Adv.HemantSurve (Anil B Tirthkar)	M.A. For Restoration	For Hearing	29.08.2023
16	MA194/21 In OA497/19	A'bad	Adv.HemantSurve (Ravindra N Turukmane)	M.A. For I.R.	For Hearing	29.08.2023

17	MA496/22 In OAS1939/22	A'bad	Adv.Talekar& Associates (Manjusha R Jadhav&Ors.) <u>Adv.S.K. Patil for R.No.4</u> <u>Adv.AnantDevakate/Adv.K.B. Jadhav</u> <u>For R.Nos.6 & 7</u>	M.A. For Condonation of Delay	For Hearing Reply Filed by R-6 & R- 7	10.08.2023
18	MA35/23 In OA812/22	A'bad	Adv.K.G. Gaikwad/ Adv.N.S. Ingle (Ganesh G Zagade&Ors.) <u>Adv.Prasad D Jarare in OA812/22</u> (RashtraSevaArogyaKarmachariSanghatna through its Secretary Kailas T Harkal)	M.A. For Intervention	For Hearing As One More Last Chance For Filing Affidavit in Reply in O.A.	21.08.2023
High On Board Matters						
19	OA468/22	A'bad	Adv.Talekar& Associates (Smita S Ingle)	Seniority List	<u>For</u> <u>Expedited</u> <u>Hearing</u> Reply Filed by R- 1 to R-3	10.08.2023
20	OA1139/22	A'nagar	Adv.A.S. Khedkar (Vitthal M Kakade&Ors.)	Promotion	<u>For</u> <u>Expedited</u> <u>Hearing</u> Short Affidavit of Reply Filed by R- 1 & R-2	21.08.2023
21	MA103/23 In OA751/21	Hingoli	Adv.A.S. Deshmukh (Ganesh A Dhanwade) <u>Adv.M.R. Jamdhade/</u> <u>Adv.K.R. Jamdhade In OA751/21</u> (Santosh N Harne)	M.A. For Intervention & Direction	<u>For</u> <u>Expedited</u> <u>Hearing</u>	01.08.2023
22	OA533/22	A'bad	Adv.V.B. Wagh (Sunil N Jahagirdar)	Major Punishment	<u>High On</u> <u>Board</u>	22.08.2023

					For Hearing Reply Filed by R-1 & R-2	
23	MA189/23 In OA33/22	Nanded	Adv.V.B. Wagh (Vithal N Kokulwar)	M.A. For I.R.	<u>OA33/22</u> is High <u>On Board</u>	18.08.2023
Due Admission Matters						
24	OA963/17	A'bad	Adv.Avinash S Deshmukh (Vasant D Karke&Ors.)	Not to Terminate the Service/ Regularisation/ Continue in Service	For Hearing Reply filed by R-1 to R-4	18.08.2023
25	OA42/18	A'bad	Adv.R.N. Bharaswadkar (Tukaram P Bondre)	Seniority/ Promotion	For Hearing Reply Filed by R-3	05.09.2023
26	OA360/19	A'bad	Adv.AjayDeshpande (Dr.Atul A Deshmukh)	Termination	For Hearing	06.09.2023
27	OA668/19	A'bad	AdvAnup S Dhanuka (Sonali D Agrawal)	Appointment	For Hearing Reply Filed By R-2	06.09.2023
28	OA790/19	Jalna	Adv.V.G. Mete (Gajanan K Kakade)	Appointment	For Admission Reply Filed by R-1 to R-3	07.09.2023
29	OA37/20	Hingoli	Adv.S.S. Dambe (Pandurang N Mendake)	Advertisement	For Hearing Reply Filed by R-4 & R-5	07.09.2023
30	OA255/21	O'bad	Adv.C.V. Dharurkar/ Adv.VinayaMuleyDharurkar	Appointment	For Hearing Reply	14.09.2023

			(Ashvini M Dudhbhate) <u>Adv.A.S. Deshmukh for R.No.5</u> <u>Adv.M.B. Kolpe for R.No.4</u>		Filed by R-1 to R-5	
31	OA181/22	Nanded	Adv.V.B. Wagh (Sahebrao B Chavhan)	Appointment	For Hearing Reply filed by R- 3	31.08.2023
32	OA245/22	A'bad	Adv.Party In Person (Mahendra K Wadgaonkar)	Selection	For Hearing	24.08.2023
33	OA293/22	A'nagar	Adv.V.B. Wagh (Adinath S Ghanwat)	Promotion	For Hearing	31.08.2023
34	OA302/22	P'bhani	Adv.V.B. Wagh (Rupali P Rangari)	Departmental Enquiry	For Admission Reply Filed by R-1	31.08.2023
35	OA362/22	Beed	Adv.V.B. Wagh (Dr.Ashok S Gawali)	Departmental Enquiry	For Admission Reply Filed by R-1	10.08.2023
36	OA423/22	Latur	Adv.M.V. Salunke (Appasaheb B Shinde)	Dismissal		05.09.2023
37	OA621/22	A'bad	Adv.P.C. Kale (Dattatray A Kakade)	Promotion/ Show Cause Notice/ Increment	For Admission Reply Filed by R-1 to R-4	06.09.2023
Final Hearing Matter						
38	TA11/99 In WP3251/93 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana through its Joint Secretary, M.S. Sonwane) <u>Adv.VivekBhavthankar for R.Nos.2&3</u>	Termination		18.09.2023
39	TA19/99 In WP2311/94 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana)	Termination		18.09.2023

40	TA26/99 In WP2772/93 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana, P'Bhani&Ors)	Termination		18.09.2023
41	TA47/99 In WP776/95 With	P'bhani	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana)	Termination Termination Termination		18.09.2023
42	TA7/99 In WP3765/97 with	P'bhnai	Adv.S.R. Barlinge (Vyankati S Agase&Ors)			18.09.2023
43	TA6/06 With WP4261/95 with	Jalna	Adv.Party In Person (GoverdhanGanoji)			18.09.2023
44	TA36/02 In WP3007/91 With	A'nagar	Adv.S.K. Shelke/ Adv.S.U. Jadhav (AhmenagarZilla wan Kamgar Union through its Vice President, GulabraoDeshmukh)	Termination		18.09.2023
45	MA311/08 In TA42/99 In WP1274/91 With	P'bhnai	Adv.SubhashMundhe (Ram U Dumane)	M.A. For Vacate I.R.		18.09.2023
46	TA17/99 In WP2791/94 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana)	Termination		18.09.2023
47	TA35/98 In WP296/98 With	Jalna	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana, A'bad)	Termination		18.09.2023
48	MA309/08 In TA24/99 In WP3607/93 With	P'bhani	Adv.B.B. Yenge (The Dy.Director of Social Forestry P'bhnai)	M.A. For Vacate I.R.		18.09.2023

49	MA306/08 In TA36/99 In WP652/94 With	P'bhnai	Adv.B.B. Yenge (The Dy. Director of Social Forestry Division Officer, P'bhnai)	M.A. For Vacate I.R.	18.09.2023
50	TA28/99 In WP1253/91 With	P'bhnai	Adv.S.R. Barlinge (Dasa N Shere&Ors.)	Termination	18.09.2023
51	TA30/99 In WP617/94 With	P'bhnai	Adv.S.K. Shelke (Parubai G Varad&Ors.)	Termination	18.09.2023
52	TA33/99 In WP3776/97 with	Dhule	Adv.S.K. Shelke (DhuleZila Van KamgarShramikSangh.)	Termination	18.09.2023
53	TA34/99 In WP3620/97 With	A'bad	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana)	Termination	18.09.2023
54	TA37/99 In WP1382/94 With	P'bhnai	Adv.S.R. Barlinge (Keshv H Kamble&Ors.)	Termination	18.09.2023
55	TA14/99 In WP3770/97 With	A'bad	Adv.S.R. Barlinge (Harman V Surwase&Ors.)	Termination	18.09.2023
56	TA16/99 In WP1226/91 With	Jalna	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana through its General Secretary, B.V. Bansod)	Termination	18.09.2023
57	TA13/99 In WP777/95 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana)	Termination	18.09.2023
58	TA20/99 In WP882/91 With	A'bad	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana, A'bad)	Termination	18.09.2023

59	TA38/99 In WP329/92	A'nagar	Adv.S.K. Shelke (AhmednagraZilla Van Kamgar Union A'nagar)	Termination		18.09.2023
60	OA694/13	Hingoli	Adv.Avinash S Deshmukh (Bashir Khan Daulat Khan Patel)	Promotion	Reply Filed by R-1	24.08.2023
61	OA242/18	A'bad	Adv.U.T. Pathan (Sayeeda Begum Syed Mohammed Ali)	Dismissal	Reply Filed by R-2 to R-4	23.08.2023

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

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

Before: -Court On Leave

Date: -07/07/2023 For Reply Board

S r. N o	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	CP03/20 In CP47/18 In OA138/16	Latur	Adv.I.D. Maniyar (Dr. ShaikhFaiz Mohammad Noor Mohammad) <u>Adv.D.T. Devane for R.No.4</u>	Contempt Petition	As a Final Chance For Filing Affidavit in Reply	23.08.2023
2	CP17/22 In OA06/21	A'nagar	AdvKakasaheb B Jadhav (Dattu R Raut)	Contempt Petition	As a Last Chance For Filing Affidavit in Rejoinder	14.09.2023
3	CP35/22 In OA697/19	A'bad	AdvKakasaheb B Jadhav (Shobha B Khade)	Contempt Petition	For Filing Affidavit in Rejoinder	14.09.2023

4	OA145/21	Jalgaon	Adv A S Bayas (Jagdish N Saindane)	Promotion	As a Last Chance For Filing Affidavit in Rejoinder	30.08.2023
5	OA519/22	A'bad	Adv.C.V. Dharurkar/ Adv.AjinkyaMirajgaonkar (Dnyaneshwar B Wadile)	Departmental Enquiry	As a Last Chance For Filing Affidavit in Reply	30.08.2023
6	OA752/22	Jalgaon	AdvAmol B Chalak (Manisha C Panchal)	Show Cause Notice (Termination)	One More Last Chance For Filing Affidavit in Reply For R-1 & For Filing Affidavit in Rejoinder to the Reply Filed By R-2 & R-3	11.08.2023
7	OA833/22	J'gaon	Adv.C.V. Dharurkar (Sampat L Mallad)	Departmental Enquiry	As a Last Chance For Filing Affidavit in Reply	30.08.2023
8	OA863/22	A'bad	Adv.D.M. Hange (Dr. Vinod G Jogdand) <u>Adv M B Kolpe For R- 3</u>	Selection Process/ Intervew	For Filing Affidavit in Rejoinder & Reply Filed By R-1	28.08.2023
9	OA1047/22	Jalgaon	Adv C V Dharurkar (Nilesh B Rathod)	Departmental Enquiry	As a Last Chance For Filing Affidavit in Rejoinder	30.08.2023
10	OA1072/22	O'bad	Adv.S.D. Joshi (Vishal G Waghmare)	Seniority List	One More Last Chance For Filing Affidavit in Reply R-1	31.08.2023
11	OA103/23	A'bad	Adv.S.R. Patil (Shrikrishna N Nakate)	Departmental Enquiry	For Filing Affidavit in Rejoinder & Reply Filed By R-1 to R-3	17.07.2023
12	OA298/23	Jalna &Ors.	AdvAvinash S Deshmukh (Pramod G Kharat& Ors.29)	Promotion	For Reply	11.09.2023
13	OA362/23	N'bar	Adv V B Wagh (Vaishali V Hinge)	Departmental Enquiry	Await Service	05.09.2023

Order Matters						
1 4	MA205/21 In OASt2467/19	A'bad	Adv M MBhokariker (Vijaykumar B Rathi)	M.A. For Delay Condonation	As a Last Chance For Filing Affidavit in Reply	06.09.2023
1 5	MA422/22 In OASt1440/22	Jalgaon	Adv S R Patil (Harichandra D Patil)	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply in MA	06.09.2023
1 6	MA225/23 In OA356/23	A'bad	Adv V B Wagh (Sharad P Jare)	M.A For I R	As a Last Chance For Filing Affidavit in Reply	17.07.2023

**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: -07/07/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Regular Admission Matters						
1	MA273/23 In MASt665/23 In OASt666/23	Chhatrapati Sambhajnagar	Adv.Dr. KalpalataPatilBharaswadkar (Ganesh R Gorde&Ors.)	M.A. For Sue Jointly		18.08.2022
2	OA488/23	A'bad	Adv.Dhananjay Mane (Avinash G Chavan)	Compassionate Appointment		21.08.2023
3	OA495/23	Nanded	Adv.SudhirPatil (RaziabeeShaikh Mohammed)	Family Pension		18.08.2023

4	OA561/23	Dhule	Adv.K.B. Jadhav (Bhatu A Awhad)	Transfer	Circulation	21.07.2023
5	OA562/23	Dhule	Adv.K.B. Jadhav (Balasaheb S Khairnar)	Transfer	Circulation	21.07.2023
6	OA567/23	Beed	Adv.V.B. Wagh (Dr.Amol R Gite)	Transfer	Circulation	19.07.2023
7	OA568/23	Jalna	Adv.Vivek G Pingle (Dr.Shyamkant D Gawande)	Transfer	Circulation	20.07.2023
Order Matters						
8	MA604/19 In OAST2158/19	Nanded	Adv.K.B. Jadhav (Venkat S Mundhe)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-4	10.08.2023
9	MA298/23 In OA389/23	A'bad	Adv.K.G. Salunke (Vandana G Sukale) <u>Adv.A.B. Rajkar for R.No.3 in OA389/23</u>	M.A. For Amendment	Circulation	25.07.2023
Due Admission Matters						
10	OA966/19 With	Beed	Adv.Vivek G Pingle (Prakash V Deshpande)	Benefit of Time Bound Promotion	For Hearing Reply Filed by R-3	31.08.2023
11	OA967/19 With	Jalna	Adv.Vivek G Pingle (Punjaram G Kolhe)	Benefit of Time Bound Promotion	For Hearing	
12	OA968/19 With	A'bad	Adv.Vivek G Pingle (Subhash K Kale) <u>Adv.S.B. Mene for R.No.5</u>	Benefit of Time Bound Promotion	For Hearing Reply Filed by R-1 to R-5	
13	OA969/19 With	A'bad	Adv.Vivek G Pingle (Shrikrishna M Walujkar)	Benefit of Time Bound Promotion	For Hearing Reply Filed by R-1 to R-5	
14	OA970/19 With	A'bad	Adv.Vivek G Pingle (Vivek S Degloorkar) <u>Adv.N.U. Yadav for R.No.5</u>	Benefit of Time Bound Promotion	For Hearing	

15	OA971/19 With	A'bad	Adv.Vivek G Pingle (Syed Sarfaraz Ahmed) <u>Adv.N.U. Yadav for R.No.5</u>	Benefit of Time Bound Promotion	For Hearing	31.08.2023
16	OA972/19 With	A'nagar	Adv.Vivek G Pingle (Trimbak A Bade)	Benefit of Time Bound Promotion	For Hearing Reply filed by R-1 to R-5	
17	OA974/19 With	A'nagar	Adv.Vivek G Pingle (Vinayak B Nimbalkar)	Benefit of Time Bound Promotion	For Hearing Reply Filed by R-1 to R-5	
18	OA975/19 With	A'nagar	Adv.Vivek G Pingle (Shivaji B Niambalkar) <u>Adv.Shamsundar B Patil for R.No.5</u>	Benefit of Time Bound Promotion	For Hearing Reply filed by R- 4 & R-5	
19	OA976/19 With	A'nagar	Adv.Vivek G Pingle (Vishnu T Mahale) <u>Adv.D.T, Devane For R.No.5</u>	Benefit of Time Bound Promotion	For Hearing Reply Filed by R-1 to R-3	
20	OA977/19 With	A'nagar	Adv.Vivek G Pingle (Nagnath P Ghodke)	Benefit of Time Bound Promotion	For Hearing Reply filed by R- 1 to R-5	
21	OA978/19 With	A'nagar	Adv.Vivek G Pingle (Sahebrao K Bodkhe) <u>Adv.S.B. Mene for R.Nos.3 & 4</u>	Benefit of Time Bound Promotion	For Hearing Reply filed by R- 1 to R-5	
22	OA979/19 With	A'nagar	Adv.Vivek G Pingle (Shivaji P Khetmalas)	Benefit of Time Bound Promotion	For Hearing Reply Filed by R-1 to R-5	
23	OA463/19 with	A'bad	Adv.V.G. Pingle (Ravikant R Hadoltikar&Ors.) <u>Adv.G.N. Patil for R.Nos. 3 & 6</u>	Assured Career Progressive Scheme as per G.R.	Reply Filed by R-2, R-3 & R-6	
24	OA537/20	A'nagar	Adv.Vivek G Pingle (Sahebrao B Said-Patil) <u>Adv.Shamsundr B. Patil For R.No.6</u>	Benefit of Time Bound Promotion	For Hearing Reply filed by R- 3	

25	OA185/20	J'gaon	Adv.Avinash S Deshmukh (Baliram B Mahale)	Deemed Date of Promotion	For Hearing Reply Filed by R-1	10.08.2023
26	OA02/21	J'gaon	Adv.Ajay S Deshpande (Kiran S Pawar)	Suspension/ Reinstatement	For Hearing Reply Filed by R-1 & R- 2	10.08.2023
27	OA133/21	A'bad	Adv.Suchita A Dhongde(Upadhyay) (Balasaheb A Chivate)	Interest on Delayed Payment	For Hearing Reply Filed by R-1 to R- 3	10.08.2023
28	OA160/22	J'gaon	Adv.AkshayKulkarni (Anant A Kendrekar)	Suspension Pertiod/ Monetary Beenfits	Reply Filed by R-1 & R- 2	10.08.2023
29	OA732/22	Beed	Adv.Suresh P Salgar (Avinash H Samudre)	Compassionate Appointment (Lad Page Samiti)	For Hearing Reply Filed by R-1 to R- 3	10.08.2023
30	OA1112/22 With Caveat40/22	A'bad	Adv.A.S. Deshmukh (Mohammad Raza Khan) <u>Adv.CPO, MAT A'bad For Caveator i.e. The State of Maharashtra Through Additional Chief Secretary, Urban Development Dept. Adv.M.B. Bharaswadkar for R.No.3</u>	Transfer	For Hearing Reply Filed by R-1 to R- 3	03.08.2023
Final Hearing Matters						
31	OA954/19	Beed	Adv.Avinash S Deshmukh (Rameshwar R Chandak)	Provisional Pension	Reply Filed by R-1 to R- 4	14.08.2023
32	OA985/19 With	O'bad	Adv.S.D. Joshi (Suresh S Chate)	Transfer	Reply Filed by R-2 to R-4	14.08.2023
33	OA996/19	O'bad	Adv.S.D. Joshi (Sainath R Thombre)	Transfer	Reply Filed by R-2 to R-5	14.08.2023

34	OA1073/19	O'bad	Adv.K.B. Jadhav (Abdul Jabbar Abdul Rahim Shaikh&Ors.)	Pay Scale	Reply Filed by R-1 to R- 6	18.08.2023
35	OA56/20	Dhule	Adv.Kishor D Khade (Anil S Barkul)	Transfer	Reply Filed by R-1 to R- 3	18.08.2023
36	OA128/20	A'bad	Adv.Manoj M Kadtu (Pandit V Sonawane)	Regularisation of Suspension period	Reply Filed by R-1 to R- 3	21.08.2023
37	OA369/20	A'nagar	Adv.Kakasaheb B Jadhav (Uttam G Salve)	Time Bound Promotion/ Benefit of Revised in Service Assured Career Progress Scheme	Reply filed by R-1 & R- 2	22.08.2023
38	OA115/21	Latur	Adv.R. K. Khandelwal (Kadubai S Gaikwad)	Correction in Date of Birth	Reply Filed by R-1 to R- 4	24.08.2023
39	OA26/22	Latur	Adv.Shamsunder B Patil (Dr.Eknath D Male)	Transfer	Reply Filed by R-1 to R- 3	24.08.2023
40	OA402/22	Nanded	Adv.K.G. Salunke (Maroti C Panchal)	Relieve	Reply Filed by R-1, R-2, R-4 & R-6	25.08.2023

Hon'ble Single Bench

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

Date: -07/07/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA1074/19	P'rbn	Adv A M Nagarkar (Ashok M Gadekar (Died) Through L. Rs. Kamal A. Gadekar&Ors.)	Pay Scale & Consequential Benefits	For Filing Affidavit in Rejoinder	07.08.2023

2	OA20/20	Latur	Adv J M Murkute (Shankar N Kamble)	Transfer	For Filing Affidavit in Rejoinder	07.08.2023
3	OA52/21	A'bad	Adv C V Dharurkar/ Adv A S Mirajgaonkar (Dr.Rekha G Gaikwad) <u>Adv S B Solanke for R.Nos 3 & 4</u>	Direction	For Filing Affidavit in Reply <u>Ref Order Dtd 04.01.2023</u>	07.08.2023
4	OA132/21	A'bad	Adv.R.N. Bharaswadkar (Bhanudas E Tarte)	Recovery	Await Service	08.08.2023
5	OA382/21	A'bad	Adv J M Murkute (ShaikhHafijoddinHanifo ddinShaikh) <u>Adv A C Deshpande For R- 3 & R-4</u>	Posting	Await Service <u>Ref Order Dtd 13.01.2023</u> & Reply Filed By R-1 & R-2 <u>Ref Order Dtd 20.03.2023</u>	08.08.2023
6	OA422/21	A'bad	Adv Vijay V Deshmukh (Satish A Trimukhe)	Deemed Date	One More Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd. 16.01.2023</u>	11.08.2023
7	OA687/21	Jalna	Adv I D Maniyar (Vipul R Bhagwat)	Pay Protection	For Filing Affidavit in Rejoinder & For Filing Affidavit in Reply of other Respondents <u>Ref Order Dtd 21.10.2022</u>	11.08.2023

8	OA705/21	Hingoli	Adv D T Devane (Balwant S Mukhade)	Medical Reimbursement	For Filing Affidavit in Rejoinder	14.08.2023
9	OA1061/22	Nanded	Adv.I. D. Maniyar (Atmaram N. Awatirak)	Compassionate Appointment	Reply Filed By R- 2 & For Filing Affidavit in Rejoinder	14.08.2023
10	OA40/23	Nanded	AdvAbhijitNamde (Sunanda D Shinde)	Family Pension & Other Benefits	Await Service	14.08.2023
11	OA 53/23	Dhule	Adv. Rutuja L Jakhade/ AdvSuniket A Kulkarni (Satish. K. Marathe)	Transfer	For Filing Affidavit in Rejoinder	17.08.2023
12	OA77/23	P'bhani	Adv.R.L. Jakhade/ Adv.S.A. Kulkarni (Deepak H Jadhav)	Transfer	For Filing Affidavit in Reply	17.08.2023
13	OA78/23	P'bhani	Adv.R.L. Jakhade/ Adv.S.A. Kulkarni (Mahesh B Kavthale)	Transfer	For Filing Affidavit in Reply	17.08.2023
14	OA104/23	P'bhani	Adv R L Jakhade/ Adv S A Kulkarni (Mahesh B Kavthale)	Show Cause Notice	Await Service	17.08.2023
15	OA129/23	A'bad	Adv Y K Bobade (Abhay P Shinde)	Directions/Pension &Pensionery Benefits	For Reply	17.08.2023
16	OA226/23	O'bad	Adv J S Deshmukh (IkbalShabudhinSayyad)	Suspension Period	For Reply	17.08.2023
17	OA290/23	A'bad	Adv.K.M. Nagarkar (Popat L Bale) <u>AdvKakasaheb B Jadhav For R-2</u>	Absotption	For Filing Affidavit in Reply	17.08.2023
18	OA305/23	A'bad	Adv A B Rajkar (Rahul K Landge)	Compassionate Appointment	For Reply	17.08.2023

19	OA393/23	A'bad	AdvKiran G Salunke (Shivaji G Wadje)	Transfer	For Reply	14.07.2023
20	OA403/23	Dhule	Adv S D Joshi (Nitin R Kapandnis) <u>Adv N N Desale For R-2/</u> <u>Adv Chetan Bhadane</u> <u>For R-2</u>	Transfer	For Reply	18.07.2023
21	OA412/23	Latur	Adv R A Joshi (Sadhu K Lohar)	Posting	For Reply	18.08.2023
22	OA415/23	Nanded	Adv S S Thombre (Santosh T Pawar)	Direction/ Transfer	Await Service	18.08.2023
23	OA425/23	Dhule	Adv Y B Bolkar / Adv Kakasaheb B Jadhav (Dinesh R Choudhari)	Posting	For Reply	21.08.2023
24	OA427/23	P'rbn	Adv H P Jadhav (Amol J Parakhe & Ors.)	Compassionate Appointment	For Reply	21.08.2023
25	OA504/23	Nanded	Adv A D Sugdare (Avinash S Panpatte)	Transfer	Await Service	03.08.2023
Order Matters						
26	MA53/22 In OAS t99/22	A'nagar	Adv P S Mantri (Gorakh R Limaji)	M.A. for Condonation of Delay	For Filing Affidavit in Reply	21.08.2023
27	MA164/23 In OAS t467/23	A'bad	Adv. Umesh S Gadsing (Ganesh M Bade)	M.A. For Condonation of Delay	Await Service	21.08.2023

Hon'ble Single Bench

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

Date: -07/07/2023

Suplimentary Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Regular Admission Matters						
1	OA495/21	J'gaon	Adv. Balaji S Shinde (Vaibhav D Shinde)	Transfer	Circulation For Withdrawal	Withdrawn

ORIGINAL APPLICATION NO. 752 OF 2022

(Manisha C. Panchal 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 : 07.07.2023

ORAL ORDER :

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

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

3. S.O. to 11.08.2023 for filing affidavit in rejoinder to the affidavit in reply filed on behalf of the respondent Nos. 2 & 3.

4. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 362 OF 2022

(Dr. Ashok S. Gawali 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 : 07.07.2023

ORAL ORDER :

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

2. S.O. to 10.08.2023 for admission.

4. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 468 OF 2022

(Smita S. Ingle 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 : 07.07.2023

ORAL ORDER :

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.08.2023 for hearing. Interim relief granted earlier to continue till then. **High on board.**

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 145 OF 2021

(Jagdish N. Saindane 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 : 07.07.2023

ORAL ORDER :

Smt. Varsha Vyawahare, learned counsel holding for Shri A.S. Bayas, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Affidavit in rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 30.08.2023 for admission.

VICE CHAIRMAN

M.A.NO. 225/2023 IN O.A.NO. 356/2023

(Sharad P. Jare 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 : 07.07.2023

ORAL ORDER :

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

2. Learned counsel Shri K.G. Salunke filed **VAKALATNAMA** on behalf of the respondent No.3. It is taken on record. He seeks time for filing affidavit in reply on behalf of the respondent No.3. Time granted.

3. Affidavit in reply filed on behalf of the respondent No.1 in M.A. is taken on record and copy thereof has been served on the other side.

4. S.O. to 17.07.2023 for filing affidavit in rejoinder to the affidavit in reply filed on behalf of the respondent No.1, if any.

VICE CHAIRMAN

DATE : 07.07.2023

ORIGINAL APPLICATION NO. 579 OF 2023

(Mohsin Khan Mahebook Khan V/s The State of Maharashtra & Ors.)

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

1. Shri P.V. Suryawanshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 02.08.2023. The case be listed for admission hearing on **02.08.2023**.
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

CHAMBER APPEAL NO. 09 OF 2023
(Nitinchandra K. Mandale Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 07.07.2023

ORAL ORDER :

Heard Shri Kshitij Surve, learned Advocate for the applicant.

2. Vide order dated 08.03.2023 the Registrar of this Tribunal was pleased to refuse the registration under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 03.02.2023 the office has raised the following office objections:-

- 1) Matter pertains to D.B. second set not filed;
- 2) wording not proper in prayer clause 'B';
- 3) Per page documents not attested as T.C.;
and
- 4) I.P.O of Rs. 50 deficit for applicant;

3. Vide office note dated 03.03.2023 Registrar of this Tribunal at Aurangabad Bench noted that nobody appeared for the applicant and office objections are not removed.

4. The applicant has made prayer for condonation of delay of about 96 days caused in filing Chamber Appeal No. 9/2023.

:: - 2 - :: CHAMBER APPEAL NO. 09 OF 2023

5. The learned Advocate for the applicant appeared today. He undertakes to remove the office objections within reasonable period.

6. Technically, the Registrar was right in refusing the registration since nobody appeared for the applicant in view of the objections in spite of repeated chances. The fact that the O.A. is filed challenging reversion order and in order to give an opportunity to him to prove his claim on merits, it will be in the Interest of justice to allow the appeal by condoning delay of about 96 days caused in filing this Chamber Appeal as the applicant shall not suffer for the negligence of his Advocate. Hence, the following order:-

ORDER

(i) Delay caused in filing Chamber Appeal stands condoned. Consequently, the Chamber Appeal No. 09/2023 is allowed as the applicant undertakes to remove the office objections within a reasonable period.

(ii) Registrar of this Tribunal Bench at Aurangabad is directed to register the O.A. after removing the office objections by the learned Advocate for the applicant and place the same before the appropriate bench for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 562 OF 2023
(Balasaheb S. Khairnar Vs. State of Maharashtra & Ors.)

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

DATE : 07.07.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Applicant has filed present Original Application challenging the order dated 28.06.2023 issued by respondent No. 3 thereby transferring the applicant from the post of Senior Clerk, Project Office, Dhule to the Project Office, Nandurbar. The applicant is working as Senior Clerk and falls in the category of Group-C employee. Learned counsel appearing for the applicant submitted that ordinary tenure of the employee in Group-C category is of six years and the applicant has not completed his ordinary tenure on the post at Dhule and in the circumstances could not have been transferred. Learned counsel further submitted that earlier also the applicant was transferred vide order dated 07.09.2021 from Dhule to Yawal. The applicant has challenged the said order by filing O.A. No. 537/2021 and in the said matter on 14.09.2021 this Tribunal had granted interim stay to the implementation and operation of the order impugned in the said O.A. till filing of the affidavit in reply by the respondents.

Learned counsel submitted that the said O.A. is still pending and the interim stay as has been granted in the said O.A. has been continued time to time and is still in force. According to the learned counsel in the circumstances in fact the respondents could not have issued the impugned order dated 28.06.2023. Learned counsel further submitted that the applicant is physically handicapped person possessing 43% permanent disablement and having regard to the said fact also the applicant could not have been transferred at the distance of about 90 Kms. From Dhule. Learned counsel further submitted that the applicant is due for retirement on 30.06.2024 i.e. within one year from the date of passing of the impugned transfer order. In view of the provisions under Section 5 (1) (a) of the Maharashtra Government Servants regulation of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short 'the Transfer Act of 2005') the applicant could not have been transferred, learned counsel added. It is further contended that the applicant has not yet been relieved from his existing post and no one has yet been appointed in his place. In the circumstances, learned counsel prayed for interim relief thereby staying the effect and operation of the impugned transfer order till decision of the present Original Application.

3. Shri V.R. Bhumkar, learned Presenting Officer appearing for the respondent authorities has opposed for grant of any interim relief. Learned P.O. submitted that the applicant has been transferred vide the impugned order on administrative ground. Learned P.O. brought to my notice that in the order itself it has been disclosed that there were complaints against the applicant and based on that the applicant seems to have been transferred. Learned P.O. further submitted that the order passed in O.A. No. 537/2021 cannot be an impediment for passing fresh transfer order by the respondents. Learned P.O. submitted that the applicant has already been relieved i.e. on 04.07.2023 and as such, he opposed for grant any interim relief and sought time for filing affidavit in reply and place the entire material before this Tribunal which has necessitated the issuance of impugned order of transfer.

4. I have duly considered the submissions made on behalf of the applicant, as well as, respondents. As has been contended on behalf of the applicant, the applicant is working at Dhule since the year 2019. There may not be any dispute on the issue that for Group-C employees the ordinary tenure at one place and on one post is six years as provided under Section 3 of the Transfer Act, 2005. It is thus evident that the applicant has not

completed his ordinary tenure on the post at Dhule. However, the respondents have right and authority to transfer the Government servant even before completing his ordinary tenure at the existing post on administrative ground. In the present case the said powers seems to have invoked by the State. As has been pointed by learned P.O., the applicant seems to have been transferred because of the complaints against him, on administrative ground. It has also been submitted that the applicant has been relieved from his existing post on 04.07.2023. When it is within the power of the State Government to transfer any Government employee on administrative grounds before completing his ordinary tenure, the propriety demands that the respondents must be given an opportunity to place those reasons before the Tribunal through their affidavit in reply. In the order of transfer it is not expected that the respondents shall elaborate the reasons behind the transfer of the employee concerned.

5. Having considered the facts as aforesaid, apparently there seems no reason for considering the request of the applicant for grant of interim relief. It has been further brought to my notice by the learned counsel appearing for the applicant that the applicant is due for

retirement in the next year and more particularly on 30.06.2024. Section 5(1)(a) of the Transfer Act, 2005 provides that the employee due for transfer after completion of tenure at a station of posting or post if has less than one year for his retirement can be retained at the same station even beyond the ordinary tenure. However, even this provision will not come in the way of the Government, if on administrative ground, the Government finds it necessary to transfer the said employee. In the present matter, as is revealed from the order of transfer itself there seems to be some complaints against the applicant which necessitated the transfer of the applicant vide the impugned order. In the circumstances, it does not appear to me that any case is made out by the applicant for grant of any interim relief. For the reasons stated above, the following order is passed :-

ORDER

- (i) Issue notices to the respondents keeping open point of limitation, returnable on 21.7.2023.
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are

put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

(vi) The respondents shall without fail file their affidavit in reply in the matter along with all material in support of their contentions raised in the affidavit in reply. It is clarified that if the affidavit in reply is not filed, the applicant will be entitled for reviving his request seeking further orders from this Tribunal.

(vii) S.O. to 21.7.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 561 OF 2023
(Bhatu Annaji Awhad Vs. State of Maharashtra & Ors.)

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

DATE : 07.07.2023

ORAL ORDER :

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

2. The applicant has been relieved from his existing post though the said fact is disputed by the applicant. The applicant has been transferred on administrative ground and as is revealing from the order of transfer there seems to be complaints against the applicant which have necessitated his transfer from the existing place. It is true that the applicant has not yet completed his ordinary tenure at Dhule. It is also the contention of the applicant that his wife is serving at Dhule and was posted at Dhule in the month of March of this year for the reason that the applicant is serving at Dhule. In the circumstances, prayer has been made by the applicant to stay effect and operation of the impugned order temporarily. In view of the fact that the transfer has been effected on administrative grounds and more particularly because of complaints received against him I am not inclined to grant any interim relief as prayed for

by the applicant. Unless the affidavit in reply is received from the respondents it may not be possible to consider

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O.A. NO. 561 OF 2023

whether the applicant has been transferred genuinely on administrative ground or otherwise. In the circumstances, I deem it appropriate to give an opportunity to the respondents to file their affidavit in reply on or before 21.7.2023 without fail and bringing out on record every material in respect of contentions which may be raised in the affidavit in reply. For the reasons stated above, the following order is passed :-

ORDER

- (i) Issue notices to the respondents keeping open point of limitation, returnable on 21.7.2023.
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- (iv) This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- (v) The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

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

:: - 3 - ::

O.A. NO. 561 OF 2023

(vi) The respondents shall without fail file their affidavit in reply in the matter along with all material in support of their contentions raised in the affidavit in reply. It is clarified that if the affidavit in reply is not filed, the applicant will be entitled for reviving his request seeking further orders from this Tribunal.

(vii) S.O. to 21.7.2023.

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

VICE CHAIRMAN

ORAL ORDER 07.07.2023-HDD

**M.A.ST.NO. 665/2023 IN O.A.ST.NO. 666/2023
(Ganesh R. Gorde & Ors. Vs. State of Mah. & Ors.)**

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

DATE : **07.07.2023**

ORAL ORDER :

Heard Shri Sudhir Patil, learned counsel holding for Smt. Kalpalata Patil Bharaswadkar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue common notice in delay condonation application and O.A. to the respondents, returnable on 18.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

**M.A.NO. 273/2023 IN O.A.ST.NO. 666/2023
(Ganesh R. Gorde & Ors. Vs. State of Mah. & Ors.)**

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

DATE : 07.07.2023

ORAL ORDER :

Heard Shri Sudhir Patil, learned counsel holding for Smt. Kalpalata Patil Bharaswadkar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief 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

ORAL ORDER 07.07.2023-HDD

**ORIGINAL APPLICATION NO. 495 OF 2023
(Raziabee W/o Shaikh Mohammed Vs. State of
Maharashtra & Ors.)**

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

DATE : **07.07.2023**

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 18.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 504 OF 2023
(Avinash S. Panpatte Vs. State of Mah. & Ors.)**

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

DATE : 07.07.2023

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, present.

2. S.O. to 3.8.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 07.07.2023-HDD

ORIGINAL APPLICATION NO. 103/2023
(Shrikrishan N. Nakate 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 : 07.07.2023

ORAL ORDER :

Shri Sandesh Patil, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant does not wish to file rejoinder affidavit.
3. List the matter for hearing on 17.07.2023.

VICE CHAIRMAN

KPB ORAL ORDER 07.07.2023

ORIGINAL APPLICATION NO. 403/2023
(Nitin R. Kapadnis Vs. State of Maharashtra & Ors.)

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

DATE : 07.07.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent authorities and Shri Chetan Bhadane, learned counsel for respondent No. 2, are present.

2. Learned C.P.O. has tendered across the bar affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy of it is given to the applicant and respondent No. 2.

3. Learned counsel for respondent No. 2 has sought one week's time for filing affidavit in reply. Time granted till 13.07.2023 by serving copy in advance to the learned counsel for the applicant.

4. List the matter for further consideration on 18.07.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 488/2023
(Avinash G. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 07.07.2023

ORAL ORDER :

Shri Dhananjay Mane, learned counsel for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondent authorities, is present.

2. As none present for the applicant, S.O. to 21.08.2023.

VICE CHAIRMAN

KPB ORAL ORDER 07.07.2023

ORIGINAL APPLICATION NO. 1112/2022
(Mohammad Raza Khan Vs. State of Maharashtra & Ors.)

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

DATE : 07.07.2023

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Presenting Officer for respondent authorities and Shri M.B. Bharaswadkar, learned counsel for respondent No. 3, are present.

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

VICE CHAIRMAN

KPB ORAL ORDER 07.07.2023

ORIGINAL APPLICATION NO. 567/2023
(Dr. Amol R. Gite Vs. the State of Maharashtra & Ors.)

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

DATE : 7.7.2023

ORAL ORDER :

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

2. Being aggrieved by the order dated 30.6.2023 the applicant has approached this Tribunal. The applicant is working as a District Health Officer, Zilla Parishad, Beed and has been transferred vide the impugned order as District Health Officer, Zilla Parishad, Buldhana. It is the grievance of the applicant that in the impugned order it has been wrongly mentioned to have been made on request of the applicant. It is contended that the applicant on oath has submitted that he had never requested for his transfer. The learned counsel for the applicant submitted that perusal of the order of the even date by which respondent no. 4 has been transferred in place of the applicant it can be gathered that on request of respondent no. 4, he has been brought at Beed. The learned counsel submitted that when the

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applicant has not completed his ordinary tenure, only on the ground that someone else has shown his interest for posting at Beed, the applicant cannot be transferred. The learned counsel, in the circumstances, has prayed for interim stay to the impugned order. It is submitted that the applicant has not yet been relieved.

3. Shri I.S. Thorat, learned Presenting Officer submitted that the applicant has already been relieved and the respondent no. 4 has resumed on his post. The learned P.O. has submitted the necessary documents in that regard, which are taken on record.

4. In view of the fact that the transferred person has resumed the duties in place of the applicant, though the applicant is disputing the said position, I am not inclined to grant any interim relief in the present matter. However, I deem it appropriate to direct the respondents to file the affidavit in reply by 19.7.2023 by serving copy of the affidavit in reply in advance to the applicant so that the matter can be immediately taken up for final disposal. The

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respondents shall place on record along with their affidavit in reply all the necessary documents in support of their contentions and shall not seek adjournment on the ground that some documents are required to be produced by them.

5. Issue notice to respondents, returnable on 19.7.2023.

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

7. 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.

8. 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.

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

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

10. S.O. to 19.7.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 568/2023
(Dr. Shyamkant D. Gawande Vs. the State of Maharashtra & Ors.)

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

DATE : 7.7.2023

ORAL ORDER :

Heard Shri V.G. Pingle, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. By filing the present O.A. the applicant has questioned the transfer of respondent No. 4 in his place. It is the contention of the applicant that he has been working on the existing post since 9.10.2020 and has not yet completed his ordinary tenure on the said post. It is his further contention that though respondent No. 4 is shown to have been transferred in his place, the applicant has not been given any further posting. It is his further contention that in the impugned order of transfer the post on which the applicant is presently working is wrongly shown to be a vacant post. In the circumstances, the applicant has prayed for temporarily staying the effect and operation of the impugned order.

3. Smt. Deepali S. Deshpande, learned Presenting Officer submitted that the applicant was posted on his existing post till the regularly selected candidate from the MPSC becomes available or any other officer is duly appointed on the said post. According to the learned P.O. in the above circumstances the applicant does not possess any right to oppose the transfer order of respondent No. 4 in his place. Learned P.O. submitted that the order of transfer of the applicant is likely to be issued shortly. In the circumstances, learned P.O. has opposed for grant of any interim relief as prayed for by the applicant and has sought time to file the affidavit in reply on behalf of the respondents.

4. I have duly considered the submissions made on behalf of the applicant, as well as, the respondents. I have perused the documents filed on record. The order dated 9.10.2020, whereby the applicant was posted as Assistant Director of Health Services (Leprosy), Jalna reveals that the applicant was appointed on the said post by lowering the pay scale. The clauses 2 & 3 of the said order further reveal that his said appointment on the said post

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was a time gap arrangement till the candidate from MPSC or duly promoted candidate is appointed on the said post. It appears that respondent No. 4 who is presently working as District Health Officer, Zilla Parishad, Aurangabad, is appointed on the post of applicant. Perusal of transfer order of respondent No. 4 shows that he has been appointed in the same pay scale and not by lowering down the pay scale as in the case of the applicant. Having regard to the facts as above prima facie it does not appear to me that any case is made out by the applicant for seeking interim stay to the transfer order of respondent No. 4. Though it is the further grievance of the applicant that he has not been posted anywhere, as has been submitted by learned P.O. posting order of the applicant is likely to be issued within a short period. I hope and trust that by the next date the posting order of the applicant will be issued by the respondents. In the circumstances, I deem it appropriate to pass the following order: -

ORDER

(i) Issue notice to respondents, returnable on 20.7.2023.

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(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.

(iv) 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.

(v) S.O. to 20.7.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 393/2023
(Shri Shivaji G. wadje Vs. the State of Maharashtra & Ors.)

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

DATE : 7.7.2023

ORAL ORDER :

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

2. The learned Presenting Officer has sought one week's time to file the affidavit in reply. It is granted by way of last chance till 14.7.2023. If the affidavit in reply is not filed, the matter will be heard on the said date without affidavit in reply of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 495/2021
(Shri Vaibhav D. Shinde Vs. the State of Maharashtra & Ors.)

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

DATE : 7.7.2023

ORAL ORDER :

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

2. Not on board. Taken on board. The learned counsel for the applicant has tendered across the bar the pursis signed by the applicant, which is endorsed by the learned counsel also, seeking withdrawal of the present O.A. In view of the same, the following order is passed :-

ORDER

The Original Application stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

M.A. NO. 298/2023 IN O.A. NO. 389/2023
(Smt. Vandana G. Sukale Vs. the State of Maharashtra & Ors.)

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

DATE : 7.7.2023

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri Ashish Rajkar, learned counsel for respondent no. 3.

2. The applicant seeks to amend the Original Application in order to bring on record one Government Resolution and the contextual facts. The respondents have not yet filed their affidavit in reply in the O.A., I am, therefore, inclined to allow the present Misc. Application. Hence, I pass the following order :-

ORDER

- (i) The present application is allowed.
- (ii) The necessary amendment be carried out within a week from this order and copy of amended Original Application be supplied to the learned Presenting Officer.
- (iii) O.A. to come on board on 25.7.2023 for filing the affidavit in reply by the respondents.

VICE CHAIRMAN

(1) ORIGINAL APPLICATION NO.507 OF 2023
(Mamta Bapurao Ghayal Vs. State of Maharashtra & Ors.,)

(2) ORIGINAL APPLICATION NO.524 OF 2023
(Suwarnamala Shivajirao Bikkad Vs. State of Maharashtra & Ors.)

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

DATE : 7.7.2023

OPERATIVE ORDER :

Heard Shri Sachin Deshmukh, learned counsel for the applicant in O.A. No. 507/2023, Shri S.B. Kakade, learned counsel for the applicant in O.A. No. 524/2023, Shri M.S. Mahajan, learned chief Presenting Officer for respondent in O.A. No. 507/2023 and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in O.A. No. 524/2023.

(i) The request of the applicants in both these OAs seeking directions against the MPSC to hold the interview of the applicants for the post of Assistant Public Prosecutor, Group-A during pendency of the present Original Applications stands rejected.

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**O.A. NOS. 507 & 524 BOTH OF
2023**

(ii) The request of the applicant, Smt. Suwarnamala Shivajirao Bikkad in O.A. No. 524/2023 to restrain the respondents from filling in one post of APP from the category of VJNT-D or in other words to keep one post vacant reserved for the candidate belonging to VJNT-D category also stands rejected.

(iii) The respondents shall file their affidavits in reply in both these matters by the next date.

(iv) S.O. to 3.8.2023.

VICE CHAIRMAN