

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

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

Before: - THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)

Date: -08/02/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA440/22	P'rbn	Adv Shaikh Wajeed Ahmed (Khan Mohammed Arbaz Mohammed Kazim Khan)	Compassionate Appointment Scheme not Applicable to Group B Employee	By Way of Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd. 30.11.2022</u>	4.3.2024
2	OA575/22	Nanded	Adv Anant D Gadekar (Yayati T Ghorband)	Refund of Recovered Amount	For Filing Affidavit in Reply	22.2.2024
3	OA576/22	Beed	Adv Anant D Gadekar (Subhash H Puri)	Refund of Recovered Amount	For Filing Affidavit in Reply R-3 & R-4	22.2.2024
4	OA175/23	Jalna	Adv D R Irale Patil (Ramesh B Tekale)	Compassionate Appointment Direction to include name in wait list	For Filing Affidavit in Reply	4.3.2024
5	OA188/23	A'bad	Adv V B Wagh (Shaikh Rashid Shaikh Mohammad Hanif & Ors.)	Equal Pay For Equal Work	For Filing Affidavit in Reply	7.3.2024
6	OA337/23	P'rbn	Adv R N Bharaswadkar (Santosh B Ipper)	Transfer	Reply Filed By R-1 to R-4 & Await Service R-5	7.3.2024
7	OA345/23	Nanded	Adv A B Rajkar (Uttam G Nikam) <u>Adv S B Mene For R-2 & R-3</u>	Pensionary Benefits/ Arrears. Interest on Delayed Payment	For Reply	11.3.2024
8	OA763/23	A'bad	Adv Vivek G Pingle/ Adv Pallavi Karhadkar (Angad T Navatakke)	Pension	As a last chance for Filing Affidavit in reply	22.2.2024

9	OA829/23	Hingoli	Adv V B Wagh/ Adv A S Therokar/ Adv V P Adkine (Dr. Devidas V Ade)	Pension/ Suspension Period	For Filing Affidavit in Reply	29.2.2024
10	OA984/23	Hingoli	Adv Sujeet D Joshi (Dr. Chandrakant R Tammewar)	Suspension	Await Service R-1	29.2.2024
11	OA1024/23	P'rbn	Adv V B Wagh/ Adv A S Therokar/ Adv V P Adkine (Pawan S Waghmare)	Recovery	For Filing Affidavit in Reply	7.3.2024
12	OA1077/23	Beed	Adv V B Wagh/ Adv A S Therokar/ Adv V P Adkine (Dr.Yashwant B Khose)	Pension	For Filing Affidavit in Reply	22.2.2024
13	OA1080/23	P'ani	Adv Talekar&Associates (Swapnil S Parvekar)	Appointment on Compassionate Ground	For Filing Affidavit in Reply	7.3.2024
14	OA17/24	A'bad	Adv S B Bedwal (Dr.Yogesh B Rajput)	Increment	For filing Affidavit in Reply	7.3.2024
Order Matters						
15	MA54/21 In OA833/23	Beed	Adv D B Pokale (Pramila R Shendade & Ors.)	M.A For Condonation of Delay	Notice Not Collected	18.3.2024
16	MA508/22 In OAS1894/22	Nanded	Adv A B Rajkar (Eknath G Myskar)	M.A For Condonation of Delay	For Filing Affiavit in Reply	11.3.2024
17	MA373/23 In OAS1267/23	Beed	Adv S D Joshi (Rameshwar S Jadhav)	M.A For Condonation of Delay	For Fiing Affidavit in Reply	22.2.2024
18	MA379/23 In OA97/20	A'bad	Adv,M.R.Andhale (Tukaram V.Sanap)	M.A For Condonation of Delay	For Filing Afidavit in reply	14.3.2024
19	MA521/23 In OAS2116/23	Beed	Adv S B Patil (Shivaji S Chemte)	M.A For Condonation of Delay	For Filing Affidavit in Reply	7.3.2024
20	MA534/23 In OA496/23	A'bad	Adv Mohit R Deshmukh (Gurunath S Indurkar)	M.A For I.R	Return R-4 Await Service	13.3.2024

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 08/02/2024

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	OA1010/23	Nanded	Adv.P.S. Anerao (Shubham B Hingmire)	Seniority List		
2	OA117/24	Jalgaon	Adv A S Deshmukh (Prashant P Sonawane)	Promotion		
3	MASt249/24 In OASSt246/24	A'bad	Adv Neha B Kamble (Rameshwar V Hadbe & Ors.)	M.A For Sue Jointly		
4	MA584/23 In OA1042/23	Jalna	Adv.R.J. Nirmal (Yogesh S Dawle)	M.A. For I.R.		
5	MASt173/24 In OA331/23	Jalgaon	Adv C V Dharurkar (Vasudeo H Sonawane)			
6	OA272/23	P'bhani	Adv.Ajinkya A Reddy (Avinash G Chonde)	Lien		
Order Matters						
7	MA449/19 In OASSt1490/19	Hingoli	Adv.A.P. Sonpethkar (Sunil M Lagad)	M.A. For Condonation of Delay		

8	MA25/21 In OA1100/19	A'bad P'bhani Nanded	<p>Adv.Gajanan K Kshirsagar In MA25/21 (Yogesh S Shinde & Ors.)</p> <p><u>Adv.Avinash Deshmukh In MA206/20 In OA1100/19</u> (Rajesh U Landge)</p> <p><u>Adv.S.S. Tope for R.No.12 & 15 In MA206/20</u></p> <p><u>Adv.Sachin Randive for R.No.18, 19, 22, 23, 24, 28 to 32, 34 to 37, 39 & 40, 42 In MA206/20</u></p> <p><u>Adv.G.K. Kshirsagar for R.No.85 to 101 In MA206/20</u></p> <p><u>Adv.Amol P Ghule Patil for R.No.81 to 84 In MA206/20</u></p> <p><u>Adv.S.D. Joshi for R.No.102 to 105 In MA206/20</u></p>	MA. For Vacating I.R.		
9	MA87/23 In OA259/21	A'bad	<p>Adv C V Dharurkar (Megharani P Tarkase & Ors.)</p> <p><u>Adv A S Deshmukh For R-4 & R-5 In O.A</u></p>	M.A For Direction		
10	MA24/24 In OA390/22	Nanded	<p>Adv.Rahul R Karpe (Rajdeepsingh G Sardar)</p>	M.A. For Amendment		

Due Admission Matters						
11	OA1049/23	A'bad	Adv.S S Dambe (Shivaji R Kachare & Ors.)	Promotion		
12	CP43/19 In MA97/12 In OA817/11	P'bhani	Adv.Ashish B Rajkar (Dharamapal U Dethe) <u>Adv.D.T. Devane for R.No.3</u>	Contempt Petition		
13	OA694/18	O'bad	Adv.Avinash S Deshmukh (Somnath S Reddy) <u>Adv.M S Sonawane for R.No.4 Adv.Ajay Deshpande for R.Nos.5 & 6</u>	Seniority/ Direction		
14	OA290/19	Jalna	Adv.A.S. Deshmukh (Rajesh L Tangade) <u>Adv.A.D. Aghav for R.No.2</u>	Show Cause Notice/ Dismissal From Service		
15	OA575/19	Beed	Adv.Santosh C Bhosale (Dr.Sachin D Shekde & Ors.)	Challenging G.R.		
16	OA1044/19	Jalna	Adv.D.A. Bide (Tukaram S Katare)	Termination (Nominee of Freedom Fighter)		
17	OA47/20 With	A'bad	Adv.A.S. Deshmukh (Damodhar B Jadhav)	Challenging G.R./Revised ACPS 3 rd Benefit		
18	OA48/20 With	A'bad	Adv.A.S. Deshmukh (Laxman V Chavan)	Challenging G.R./Revised ACPS 3 rd Benefit		
19	OA49/20 With	A'bad	Adv.A.S. Deshmukh (Laxman Y Yadav) <u>Adv.G.N. Patil for R.No.4</u>	Challenging G.R./Revised ACPS 3 rd Benefit		

20	OA59/20	A'bad	Adv.Avinash S Deshmukh (Ashok P Bhagwat & Ors.) <u>Adv.G.N. Patil for</u> <u>R.Nos.3 & 4</u>	Challenging G.R./Revised ACPS 3 rd Benefit		
21	OA62/20	Beed	Adv.S.K. Naikwade/ Adv.K.G. Salunke (Dr.Maheshkumar L Mane)	Selection/ Appointment		
22	OA81/20	O'bad	Adv.S.B. Solanke (Sudarshan N Shinde)	Seniority/ Promotion		
23	OA81/21	Nanded	Adv.J.M. Murkute (Sadashiv B Gitte)	Promotion		
24	OA128/21	Nanded	Adv.Ganesh V Mohekar (Pradeep M Thakkarwad)	Probation Period/ Minor Punishment		
25	OA192/21	A'bad	Adv Sunil B Kakade (Suresh B Lande)	Appiontment Selection		
26	OA252/21	A'bad	Adv.S.B. Kakade (Arati A Ghatkar)	Selection/ Appointment		
27	OA724/21	Dhule	Adv.Pramod S Gaikwad (Sunil S Mate) <u>Adv.Ganesh Kedar</u> <u>for R.No.8</u>	Enquiry		
28	OA760/21	O'bad	Adv.Shamsundar B Patil (Malikarjun D Deshmane)	Major Punishment		
29	OA775/21	A'nagar	Adv.Swaraj S Tandale (Ganesh D Ingale)	Promotion		

30	OA779/21	Nanded	Adv.J P Legal Associates (Datta A Tumram)	Seniority/ Continuity in Service		
31	OA816/21	Nanded	Adv.V.B. Dhage (Ramkisan J Nampalle & Ors.)	Seniority List-Kotwal		
32	OA95/22 with	A'bad	Adv.G.M. Jadhav (Vijay U Kale)	Termination/ Recovery		
33	OA97/22	A'bad	Adv.G.M. Jadhav (Vijay U Kale)	Voluntary Retirement		
34	OA423/22	Latur	Adv.M.V. Salunke (Appasaheb B Shinde)	Dismissal		
35	OA468/22	A'bad	Adv.Talekar & Associates (Smita S Ingle)	Seniority List		
36	OA519/22	A'bad	Adv.C.V. Dharurkar/ Adv.Ajinkya Mirajgaonkar (Dnyaneshwar B Wadile)	Departmental Enquiry		
37	OA619/22	A'bad	Adv.S.B. Patil (Archana T Tribhuvan)	Seniority/ Promotion		
38	OA700/22	A'nagar	Adv.R R Karpe (Sujay S Gaydhane)	Appointment		
39	OA773/22	A'bad	Adv.V B Wagh (Mangala V Pawar)	M.A. For I.R.		
40	OA916/22	A'nagar	Adv.S.S. Jadhavar (Sushma E Chaudhari)	Appointment		
41	OA96/23	A'bad	Adv.K B Jadhav (Nanasaheb B Patait & Ors.)	Correction in Date of Joining/ Seniority		

42	OA517/23	J'gaon	Adv.C.V. Dharurkar (Nitin U Nikam)	Compulsory Retirement		
43	OA613/23	Beed	Adv.Amol R Gaikwad (Vishal S Shelke)	Selection Process		
44	OA875/23	A'bad	Adv.K B Jadhav (Avadhut A Sisal)	Selection Process		
Final Hearing Matters						
45	MA181/16 with MA372/16 In OA67/16 with	N'bar	Adv.Sudhir Patil/ Adv.Dr.K Patil Bharaswadkar (Jagdishkumar N Shirsath) <u>Adv.A S Deshmukh</u> <u>for R.Nos.4 & 5</u>	M.A. For Seeking Directions to Restore Status Quo ante		
46	OA368/16 with	J'gaon	Adv.Dr.Kalpalata Patil Bharaswadkar/ Adv.Sudhir Patil (Ganesh S Bawiskar)	Reversion/ Seniority		
47	OA490/16	J'gaon	Adv.Sudhir Patil/ Adv.Dr. Kalpalata Patil Bharaswadkar (Shantilal D Dusane)	Reversion/		
48	OA201/16	Nanded	Adv.V.B. Wagh (Sayyed Habib Sayyed Abdul Rahim & Ors.)	Challenging G.R.		
49	OA487/16	A'bad	Adv.A N Ansari (Mohammed Badar Akbar Siddiqui)	Punishment		
50	OA226/17	Latur	Adv.K.M. Nagarkar (Baliram S Kakade)	Voluntary Retirement/ Pensionery Benefits		
51	OA383/17	Nanded	Adv.Ajay S Deshpande (Uttam S Mundhe)	Promotion		

52	OA817/17	Latur	Adv.Shamsunder B Patil (Dr. Vilas R Musale)	Termination		
53	OA598/18	P'bhani	Adv.Talekar & Associates (Ganpat G Sansare)	Resignation/ Reinstate in Service		
54	OA359/19	J'gaon	Adv.S.D. Dhongde (Shantaram M Sonwane) <u>Adv S D Dhongde has File Leave note From 05.02.2024 to 15.03.2024</u>	Back Wages/ Increment/ Promotion		
55	OA647/19	A'bad	Adv.Avinash S Deshmukh (Balasaheb T Deshmukh)	Promotion		
56	OA942/19	Hingoli	Adv.Suresh D Dhongde <u>Adv Suresh D Dhongde has File Leave note From 05.02.2024 to 15.03.2024</u> (Shaikh Hameed Shaikh Dadamiyan)	Promotion		
57	OA489/22	O'bad	Adv.R.P. Adgaonkar (Dattatraya D Shinde)	Promotion		

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And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 08/02/2024

Suplimentary

Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matter						
1	OA1120/23	A'bad	Adv.B.N. Magar Patil (Satule Chetan Virabhadra & Ors.)	Selection Process		

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Division Bench

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And

THE HON'BLE SHRI VINAY KARGAONKAR, MEMBER (A)

Date: -08/02/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA497/21	A'nagar	Adv.V.B. Wagh (Nitin S Shelar)	Preliminary Enquiry		
2	OA546/22	A'bad	Adv.Yogesh P Deshmukh (Samta R Lokhande)	Appointment		
3	OA725/22	A'bad	Adv.S.S. Khivansara (Kishor A Deshmukh)	Departmental Enquiry		

4	OA757/22	Hingoli	Adv Aditi Warjekar (Sunil K Rodge)	Termination		
5	OA851/22	P'rbn	Adv Kiran G Salunke (Prashant B Kachhawa) <u>Adv S B Mene</u> <u>Special Counsel</u> <u>For R-1/</u> <u>Ajay Deshpande</u> <u>Special Counsel</u> <u>For</u> <u>R-2 & R-3</u>	Absorption/ Seniority Promotion		
6	OA1092/22	A'bad	Adv.Mohit Deshmukh (SATish S Gadve & Ors.)	Challenging Notification		
7	OA105/23	P'bhani	Adv.N.B. Jadhav/ Adv.K.G. Salunke (Vilas K Katkar)	Appointment		
8	OA932/23	Latur	Adv.Sahebrao G.Nandedkar (KU.Sarswati K Makne & Others)	Selection Process		
9	OA979/23 With Caveat 23/23 With	A'bad	Adv M S Shaikh (Vishvjeet V Kulkarni) <u>CPO For</u> <u>Caveator</u> (The State of Maharashtra & Ors.)	Challenging G.R Selection Process		
10	OA999/23 With Caveat38/23 With	A'bad	Adv.S.S. Dambe (Shivaji B Borkar & Ors.) <u>CPO For</u> <u>Caveator</u> (The State of Maharashtra	Selection Process		

			through the Chief Engineer, Public Works Region, Mumbai & President, State Level Co-Ordination Committee, Mumbai) <u>Adv Sangharsh V Waghmare for Intervention Milind S Rathod & Ors.</u>			
11	OA1053/23 With Caveat38/23	A'nagar Beed	Adv.A.D. Gadekar (Babasaheb K Mhaske & Ors.) <u>CPO For R.No.3 i.e. Caveator</u>	Selection Process/ Recruitment Rules		
12	OA1054/23 With Caveat 38/23	Kolhapur	Adv Anand Kawre (The Association of Subordiante service of Engineers, M.S. through its president Umesh B. Mudbidrikar V.S State of Mah. & Ors.)	Selection Process		
13	OA.42/24	A'bad	Adv Ajay S.Deshpande Adv CV (Maharashtra Vikas Seva Rajpatrit Adhikari Sanghatana)	Promotion / Direction		
Order Matters						
14	MA09/23 In OAST34/23	P'bhani	Adv.S.D. Joshi (Mahendra A Kadam)	M.A. For Condonation of Delay		

15	MA357/23 In OA06/23	Dhule	C P O Mat A'bad (The State of Maharashtra & Ors.) Adv V B Wagh In OA 06/23 (Pandurang G Lomole)	M.A For Modification of Interim Order		
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ORIGINAL APPLICATION NO. 201 OF 2016
(Sayyed Habib Sayyed Abdul Rahim & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 08.02.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants submits that he is searching for the record to be brought on record showing that the applicants are continuously worked for 240 days and on the same ground time is sought till 22.02.2024. Time granted as prayed for.

3. S.O. to 22.02.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 773 OF 2022
(Mangala Vishwanath Pawar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 08.02.2024

ORAL ORDER :

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

2. S.O. to 27.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.02.2024-HDD

ORIGINAL APPLICATION NO. 851 OF 2022
(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 08.02.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant, Shri S.B. Mene, learned Special counsel for respondent No. 1 and Shri Ajay S. Deshpande, learned Special counsel for respondent Nos. 2 & 3, are present.

None appears for respondent No. 4.

2. In the present matter except respondent No. 4, other respondents have filed affidavit in reply. Respondent No. 4 has not caused appearance though he has been duly served.

3. List that matter for hearing on 18.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 779 OF 2021
(Datta Arjun Tumram Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 08.02.2024

ORAL ORDER :

Shri Swapnil Joshi, learned counsel holding for J.P. Legal Associates, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. List the matter for hearing on 05.03.2024.

MEMBER (A)

VICE CHAIRMAN

O.A.NO. 979/2023 WITH CAVEAT 23/2023
(Vishvjeet V. Kulkarni Vs. State of Maharashtra & Ors.)

O.A.NO. 999/2023 WITH CAVEAT 38/2023
(Shivaji B. Borkar & Ors. Vs. State of Maharashtra & Ors.)

O.A.NO. 1053/2023 WITH CAVEAT 38/2023
(Babasaheb K. Mhaske & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 08.02.2024

ORAL ORDER :

Shri M.S. Shaikh, learned counsel for the applicant in O.A. No. 979/2023 (**absent**). S/Shri S.S. Dambe & A.D. Gadekar, learned counsel for the applicants in O.A. Nos. 999/2023 & 1053/2023 respectively, Shri Ajay S. Deshpande, learned Special counsel for State authorities in all matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the caveator in all these matters. Shri Sangharsh V. Waghmare, learned counsel for intervenor (**absent**).

2. In all these matters learned counsel Shri Ajay Deshpande has been appointed as Special Counsel. He has caused his appearance before this Tribunal and has prayed for time for filing affidavit in reply. Learned counsel Shri A.D. Gadekar, learned counsel

:: - 2 - :: O.A. Nos. 979, 999 & 1053 all of 2023

appearing for the applicants in O.A. No. 1053/2023 brought to our notice orders passed by the Hon'ble Bombay High Court in W.P. No. 05/2024 on 02.01.2024. In view of the directions given by the Hon'ble High Court the respondents are provided time till 16.02.2024.

3. S.O. to 16.02.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.02.2024-HDD

ORIGINAL APPLICATION NO. 1054 OF 2023
(The Association of Subordinate service of Engineers, M.S.
through its President Umesh B. Mudbidrikar Vs. State of
Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 08.02.2024
ORAL ORDER :

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

2. Learned Chief Presenting Officer has sought time to file affidavit in reply. The request is opposed by the learned counsel appearing for the applicant stating that due opportunities are already availed. However, in the interest of justice time is granted till 16.02.2024 by way of last chance.

3. It is made clear that if the affidavit in reply is not filed on or before the next date, the matter will be heard without affidavit in reply of the respondents.

4. S.O. to 16.02.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 584/2023 IN O.A.NO. 1042/2023
(Yogesh Sopanrao Dawle Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 08.02.2024

ORAL ORDER :

Shri Ajay S. Deshpande, learned counsel holding for Shri R.J. Nirmal, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.02.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.02.2024-HDD

ORIGINAL APPLICATION NO. 118 OF 2024
(Utkarsh S. Gute Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant is working as Chief Officer, Municipal Council, Ambajogai at present and recently by order dated 12.07.2023 he was transferred from Parbhani to Ambajogai in Beed District and posted as Chief Officer, Municipal Council, Ambajogai.

3. Learned counsel for the applicant submits in view of the ensuing parliamentary elections, the Election Commission of the India has given certain directions as per Annexure A-2 for transfer and posting of the officers. Learned counsel submits that though the Beed is home district of the application, however he has not completed three years in the Beed district after his transfer from Parbhani to Ambajogai, Dist. Beed. Learned counsel submits

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O.A. No. 118/2024

that by misinterpreting the directions given by the Election Commission of India, by order dated 02.02.2024 the applicant came to be transferred from the post of Chief Officer, Municipal Council, Ambajogai to the post of Joint Commissioner (District Administrative Officer, Group-A), Collector office, Osmanabad. Learned counsel submits that in terms of clause (6) of the said directions (Annexure A-2) issued by the Election Commission of India, categories of officers not covered under transfer policy are mentioned and in view of the same, the officer/official, against whom a criminal case related to official functioning is pending in any court of law, be associated with or deployed on election related duty, is not covered under the transfer policy.

4. Learned counsel for the applicant submits that Collector, Beed by letter dated 15.01.2024 along with the annexure informed to the Government that the present applicant cannot be assigned with the election duties for the reason that one Criminal Writ Petition No. 1537/2023 filed by the applicant is pending before the Hon'ble High Court of Bombay, Bench at Aurangabad. Learned counsel submits

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O.A. No. 118/2024

that in fact the Regular Criminal Case No. 375/2020 for the offence punishable under Section 324 of Indian Penal Code is pending against the applicant in the Court of learned Chief Judicial Magistrate at Beed and the applicant has filed the Criminal Writ Petition No. 1537/2023 before the Hon'ble High Court of Bombay, Bench at Aurangabad seeking certain directions in respect of the said crime.

5. Learned counsel for the applicant submits that in view of above, if the applicant who has been transferred mid-term and who is not likely to be assigned with the election duty in Beed, there is no need to transfer him under the garb of the directives issued by the Election Commission of India.

6. Learned counsel for the applicant on instructions submits that the applicant has not yet relieved and he is discharging duties as Chief Officer, Municipal Council, Ambajogai.

7. On careful perusal of the directions issued by the Election Commission of India and the annexures to the Original Application, I find much substance in

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the submissions made on behalf of the applicant. In terms of sub clause (v) of clause (6) of the said directions issued by the Election Commission of India (Annexure A-2), the officer / official, against whom a criminal case related to official functioning is pending in any court of law, not to be associated with or deployed on election related duty. The same further substantiated by the correspondence made by the Collector, Beed to the Government, wherein it has been specifically stated that because of the criminal case, no election duty will be assigned to the applicant at present.

8. In view of the same and since the applicant's transfer is mid-term transfer; I am inclined to grant the interim relief in favour of the applicant till the next date of hearing.

9. Issue notices to the respondents, returnable on 29.02.2024. **Till then the interim relief in terms of prayer clause 12(E) is hereby granted, which is as follows :-**

“E) Pending the admission, hearing and final disposal of this Original Application the effect, operation and implementation of the impugned

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order of transfer of the applicant dated 02.02.2024 (Annexure A-8) issued by Resp. No. 1 may kindly be stayed.”

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

11. 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.

12. 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.

13. 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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14. S.O. to 29.02.2024.

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

MEMBER (J)

KPB ORAL ORDER 08.02.2024

ORIGINAL APPLICATION ST. NO. 253 OF 2024
(Sangeeta G. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Heard Shri G.V. Mohekar along with Shri A.B. Shinde, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant is serving as Special Land Acquisition Officer, Nanded. Learned counsel pointed out that by order 31.05.2023, the applicant who has completed the full tenure at Yavatmal, came to be transferred and posted as Special Land Acquisition Officer, Nanded. Learned counsel further submits that thereafter the applicant came to be transferred mid-tenure by the impugned transfer order dated 31.01.2024 under the garb of the directives issued by the Election Commission of India in the ensuing Elections of Parliament.

3. Learned counsel submits that the said directives issued by the Election Commission of India (Annexure-C) are not applicable to the

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applicant in any manner. The home district of the applicant is Osmanabad. Further the applicant was working at Nanded on non-executive post. There was no reason to transfer the applicant mid-tenure, when the directives issued by the Election Commission of India are not applicable to her. Learned counsel on instruction from the applicant submits that the applicant is yet not relieved and she is still working on the post of Special Land Acquisition Officer, Nanded.

4. Though the office has raised an objection that the person who is transferred in place of the applicant is not impleaded as party respondent to the O.A., however since the applicant is yet not relieved from the post at Nanded, at this stage the same may not be relevant.

5. On careful perusal of the transfer orders dated 31.05.2023 and 31.01.2024 respectively, it appears that the applicant came to be transferred mid-tenure on administrative grounds. It further appears that the Nanded district is not the home district of the applicant. In view of the same, I find much substance in the submissions made on behalf of the

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O.A. St. 253/2024

applicant and I am thus inclined to grant the interim relief in favour of the applicant till the next date of hearing.

6. Issue notices to the respondents, returnable on 29.02.2024. **Till then the interim relief in terms of prayer clause 17(C) is hereby granted, which is as follows :-**

“C) Pending hearing and final disposal of this original application, the impugned order of transfer dated 31.01.2024 issued by the Respondent No. 1 thereby transferring the applicant from Nanded, working on the post of Special Land Acquisition Officer, Percolation Tank, No. 2, Nanded to Beed on the post of Deputy Collector, Land Acquisition, Jaikwadi Project, Beed may kindly be stayed.”

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

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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 29.02.2024.

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

MEMBER (J)

KPB ORAL ORDER 08.02.2024

M.A. St. No. 144/2024 in O.A. St. No. 145/2024
(Madhukar J. Rokade & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Heard Shri H.P. Jadhav, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. All the applicants are from the same department and out of that the applicant Nos. 1 to 3 are still working and rest are the retired employees. Being aggrieved by the orders, the applicants have filed the Original Application for the common relief with almost same cause of action along with this application seeking permission to sue jointly. The office has raised an objection that the applicant Nos. 5 & 7 have not filed the representation, however, that may not be relevant to exercise the power under Rule 4 sub-rule (5)(a) of the Maharashtra Civil Services (Procedure) Rules, 1988.

3. In view of above, the M.A. is allowed in terms of prayer clause 5(B), subject to payment of court fee stamps, if not paid.

4. Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 145 OF 2024
(Madhukar J. Rokade & ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Heard Shri H.P. Jadhav, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 02.04.2024.

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 02.04.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 637 OF 2021
(Ravindra G. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri P.D. Boadade, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 03.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 915 OF 2022
(Kailas M. Prajapati Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 19.03.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 956 OF 2022
(Vijay R. Shringare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri P.D. Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 10.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 197 OF 2023
(Dnyanoba L. Dahiphale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri D.B. Pokale, learned counsel holding for Shri S.B. Solanke, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 10.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 206 OF 2021
(Deepak B. Aher & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri D.B. Pokale, learned counsel holding for Shri S.B. Solanke, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 10.04.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 365 OF 2019
(Nilesh W. Mahajan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri V.G. Pingle, learned counsel for respondent No. 2, are present.

2. Learned Presenting Officer submits that the record is yet not received and therefore, he seeks time. Time granted.

3. S.O. to 22.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 763 OF 2023
(Angad T. Navatakke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Even though last chance is granted, no affidavit in reply has been filed.

3. List the matter for admission hearing on 22.02.2024 with liberty to file the affidavit in reply till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 575 OF 2022
(Yayati T. Ghorband Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. It appears that the respondent No. 3 has already filed affidavit in reply.

3. Learned Presenting Officer seeks time to take instructions as to whether the other respondents will adopt the affidavit in reply filed on behalf of respondent No. 3 or not.

4. S.O. to 22.02.2024 for filing affidavit in reply of other respondents, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 576 OF 2022
(Subhash H. Puri Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Though the respondent No. 3 duly served with the notice, none appears for respondent No. 3.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent No. 4, if any. Time granted.

4. S.O. to 22.02.2024.

MEMBER (J)

**M.A. No. 403/2021 in O.A. St. No. 1539/2021
(Uttamrao S. Joshi Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 22.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.02.2024

ORIGINAL APPLICATION NO. 898 OF 2023
(Madhukar L. Dodake Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri Ajinkya Reddy, learned counsel for respondent No. 2, are present.

2. At the request of learned counsel for respondent No. 2, time is granted for filing affidavit in reply.

3. S.O. to 14.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 829 OF 2023
(Dr. Devidas V. Ade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 29.02.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 175 OF 2023
(Ramesh B. Tekale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri D.R. Irale Patil, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of respondent Nos. 3 and 4 will be filed.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent No. 2. Time granted.

4. S.O. to 04.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 984 OF 2023
(Dr. Chandrakant R. Tammewar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

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

2. There is a remark of await service of notice as against respondent No. 1.

3. Learned Presenting Officer waives notice for respondent No. 1.

4. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.

5. S.O. to 29.02.2024 for hearing.

MEMBER (J)

**M.A. No. 373/2023 in O.A. St. No. 1267/2023
(Rameshwar S. Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply in M.A.

3. S.O. to 22.02.2024.

MEMBER (J)

KPB ORAL ORDER 08.02.2024

ORIGINAL APPLICATION NO. 795 OF 2022
(Dr. Vishwanath S. Biradar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel holding for Shri V.P. Golewar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard.

3. At the request of learned Presenting Officer, S.O. to 22.02.2024 for further hearing.

MEMBER (J)

M.A. No. 62/2021 in O.A. No. 461/2020
(The Chief Engineer Water Resources Department Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned counsel for the applicants in the present M.A. (respondent Nos. 2 to 4 in O.A.), Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri R.P. Bhumkar, learned counsel for the respondent No. 1 in M.A. (applicant in O.A.).

2. By consent, the present M.A. for vacating interim relief be heard along with the O.A. and hearing of the O.A. stands expedited.

3. S.O. to 06.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 760 OF 2023
(Dr. Abdul Moiz Siddiqui Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri Ajay Deshpande, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. In compliance with the order dated 30.01.2024, learned Presenting Officer submits communication received from the respondent No. 1 dated 06.02.2024 in this regard. Same is taken on record and copy thereof is given to other side.

3. Learned counsel for the applicant also submits short affidavit of the applicant. Same is taken on record and copy thereof is given to other side.

4. It is a part heard matter. At the request of learned P.O., S.O. to 13.02.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 761 OF 2023
(Dr. Utkarsh B. Wankhede Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri Ajay Deshpande learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. At the request of learned Presenting Officer, S.O. to 13.02.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 121 OF 2021
(Sukhadev S. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. This is matter of the year 2021. As none present for the applicant, S.O. to 01.04.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 516 OF 2021
(Vishwasrao V. Kulkarni Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

Shri Ajay Deshpande, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. This is matter of the year 2021. As none present for the applicant, S.O. to 01.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 228 OF 2022
(Dr. Saurabh P. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.02.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 15.02.2024 for hearing.

MEMBER (J)

