

O.A.Nos.921,922,923,924&925/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri Kartik Rao holding for Shri V.R.Deshpande, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents. Await service of R-2 & 3 in O.A. No. 925/2020.

2. At the request of ld. P.O., **put up before Single Bench.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

O.A.No.966/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri S.W.Sambre, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. Ld. P.O. requested for time. However, ld. Counsel for the applicant objects the same. In the interest of justice, **ld. P.O. granted three weeks time to file reply as a last chance.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

O.A.No.1144/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

**C.A.No.366/2021:-**

Heard Shri A.P.Sadavarte, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 27.01.2023 to file reply as a last chance.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

O.A.No.1185/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri I.Ghagarkar, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State. Await service of R-2 to 7.

2. Ld. Counsel for the applicant states that he has filed service affidavit.

3. The ld. C.P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

4. Hence, O.A. is **admitted** and kept for final hearing.

5. The ld. C.P.O. waives notice for the respondents.

6. **S.O. in due course.**

7. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

**O.A.Nos.462&463/2022 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri G.N.Shinde, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents. None for the R-5.

2. Ld. Counsel for the applicant is directed to remove office objections.

3. At the request of ld. P.O., **S.O. three weeks to file reply as a last chance.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

**O.A.No.43/2022 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri A.P.Khadatkar, Id. Counsel for the applicant, Shri A.M.Ghogre, Id. P.O. for the respondents and Shri H.D.Marathe, Id. Counsel for the R-3 to 6.

2. At the request of Id. P.O., **S.O. three weeks to file reply to the rejoinder.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

**O.A.No.05/2023 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri S.P.Palshikar, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

2. Issue notice to Respondents, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. four weeks.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**



O.A.No.13/2023 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri B.Kulkarni, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

2. As pointed out by Id. counsel for the applicant seniority list as on 08.09.2020 at PP. 18-A and 19. Applicant is senior to R-3, 4 & 5. Applicant is at Sr. No. 12 and respondents 3, 4 & 5 are at Sr. No. 13, 15 & 16. Again in letter dated 15.07.2022 (A-4, P. 24) applicant is at Sr. No. 9 and respondents are at Sr. Nos. 10, 11 & 12. As per the Government letter dated 13.12.2022, applicant is shown at Sr. No. 16 and respondents are shown at Sr. No. 12, 14 & 15.

3. So, in previous two documents, applicant is senior to the respondents while in 03<sup>rd</sup> document applicant is shown junior to the respondents. Case is made out for interim protection to the applicant. Hence, **respondents are directed not to complete promotion in the cadre of Superintendent (Prison) till filing of the reply.** However, Id. Counsel for the applicant is at liberty to correct the address of respondent no. 2 during the course of the day.

4. Issue notice to Respondents, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. **S.O. four weeks.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

**C.P.No.29/2021inO.A.No.1054/2019 with**

**C.P.No.30/2021inO.A.No.976/2019 with**

**C.P.No.31/2021inO.A.No.977/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

2. Today Id. P.O. has filed Government letter dated 03.01.2023 and consequent to that Deputy Director directed to District Health Officer, Zilla Parishad, Nagpur has been asked to follow the order passed by Maharashtra Administrative Tribunal, Nagpur Bench.

3. In view of this, grievances of the applicant is resolved. Respondents have complied with the order. Hence, **C.P. stands disposed of.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

O.A.No.316/2015 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Ms. Diksha Mandavdhare holding for  
Shri P.J.Mehta, Id. Counsel for the applicant and Shri  
M.I.Khan, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. one week for  
final hearing.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

**O.A.No.700/2020withC.A.No.373/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri C.A.Joshi, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 09.01.2023 for final hearing.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

O.A.No.950/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri M.R.Puranik, Id. Counsel for the applicant, Shri A.M.Khadatkar, Id. P.O. for the respondents and Shri D.B.Marbate, Administrative Officer, personally present.

2. Today, Id. P.O. has produced letter dated 23.12.2022 which are internal correspondence of the department and matter has been referred to respondent no. 1, who is to decide the appeal. Matter was heard on 09.12.2022. Respondent no. 1 was directed to decide the appeal before one month from the date of receipt of this order.

3. However, **two weeks time is granted to Id. P.O. to take necessary instructions from office of respondent no. 1.** If it is not decided then matter will be heard on merit.

4. **S.O. 20.01.2023 for taking instructions.**

5. **Steno copy is granted.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

O.A.No.324/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 09.01.2023 for final hearing.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**

O.A.No.892/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &  
Shri M.A.Lovekar, Member (J)**

**Dated : 06/01/2023.**

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. P.O., **put up before Single Bench.**

**Member(J)**  
**Date:- 06/01/2023.**  
aps.

**Vice Chairman**



**O.A.No.07/2023 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 06/01/2023.**

Heard Shri B.Dafle, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. Ld. C.P.O. has placed on record copy of Judgment dated 28.11.2022 delivered by Aurangabad Bench of this Tribunal in O.A. No. 1001/2022.

3. It is the submission of the ld. Advocate for the applicant that the applicant who is serving as Pediatrician could not have been transferred to the new post at Mumbai without obtaining her consent. It is submitted on behalf of the applicant that to substantiate this submission necessary documents will be placed on record.

4. Issue notice to Respondents, returnable on 10.01.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. **S.O. 10.01.2023.**

**Member (J)**

**Date:- 06/01/2023.**  
aps.

O.A.No.744/2022 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated : 06/01/2023.**

Heard Shri S.C.Deshmukh, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. On oral request of ld. C.P.O., **S.O. 20.01.2023 for final hearing.**

3. **Interim relief to continue till returnable date.**

**Date:- 06/01/2023.**  
aps.

**Member (J)**