

O.A. No.20/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri P.V. Thakre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 28/06/2023.**

Vice Chairman

dnk.

O.A. No.227/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

None for the applicant. Shri S.A. Sainis,
Id. P.O. for the respondents.

At the request of learned P.O., **S.O.**
28/06/2023.

Vice Chairman

dnk.

O.A. No.97/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri P.P. Khaparde, Id. Counsel holding
for Shri G.G.Bade, Id. counsel for the applicant
and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned counsel for the
applicant, **S.O. three weeks.**

Vice Chairman

dnk.

O.A. No.1042/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri A.D. Girdekar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. two weeks.**

Vice Chairman

dnk.

O.A. No.516/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 13/06/2023.**

Vice Chairman

dnk.

O.A. No.418/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 14/06/2023.**

Vice Chairman

dnk.

O.A. No.120/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of learned P.O., **S.O. three weeks** for filing reply as a last chance.

Vice Chairman

dnk.

O.A. No.912/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri P.J. Mehta, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The applicant to remove office objections.

At the request of learned P.O., **S.O. three weeks** for filing reply as a last chance.

Vice Chairman

dnk.

O.A. No.1141/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Heard Shri N.S. Warulkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. On 10/2/2022 and 16/9/2022 time was granted to file reply. On the last on 17/10/2022 last time was granted to file reply. But reply is yet not filed.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

4. In the meantime, the respondents may file reply.

S.O. 23/06/2023.

Vice Chairman

dnk.

O.A. No.604/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri Kshirsagar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of learned P.O., **S.O. three weeks** for filing reply.

Vice Chairman

dnk.

C.A. 496/2022 in O.A. No.998/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri N.S. Warulkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of learned P.O., **S.O. 23/06/2023** for filing reply.

Vice Chairman

dnk.

O.A. No.1223/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

None for the applicant. Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of learned P.O., **S.O. after three weeks** for filing reply.

Vice Chairman

dnk.

O.A. No.93/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

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

At the request of learned P.O., **S.O. three weeks** for filing reply.

Vice Chairman

dnk.

O.A. No.116/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Smt. Wathore, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of learned P.O., **S.O. three weeks** for filing reply.

Vice Chairman

dnk.

O.A. No.439/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri M.R. Khan, Id. Counsel for the applicant and Shri A.P. Potnis, Id. P.O. for respondent no.1. Await service of R-2&3.

As per the submission of Id. Counsel for the applicant, the respondents are served and he will file reply within two weeks.

The Id. P.O. submits that he has received parawise reply and he will file till next date.

S.O. after two weeks.

Vice Chairman

dnk.

O.A. No.486/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

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

2. The learned counsel for the applicant has filed pursis dated 5/6/2023 and submits that the applicant do not want to prosecute the matter and he wants to withdraw the O.A.

3. In view of pursis dated 5/6/2023, the O.A. is disposed of as withdrawn. No order as to costs.

Vice Chairman

dnk.

O.A. No.524/2023 (S.B.)

(S.P. Dhapad Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the State.

2. The applicant is a Range Forest Officer (RFO). He is transferred from Tiosa Range Social Forestry, Amravati to Mobile Squad in Melghat Territorial Division, Paratwada.

3. Heard the learned CPO. He has filed communication dated 02/06/2023. It is marked Exh-X. As per this communication, transfer order made by the Chief Conservator of Forests (CCF) is stayed.

4. In view of the communication dated 02/06/2023, transfer order of applicant appears to be stayed. **Hence, stay is granted to the transfer order in respect of applicant only.**

5. Issue notice to the respondents returnable **23/06/2023**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

7. 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.

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 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.

10. 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.

S.O. 23/06/2023

Steno copy is granted...

Vice Chairman

dnk.

O.A. No.529/2023 (S.B.)

(C.M. Khandait Vs. State of Maharashtra & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Heard Shri D.M. Kakani and Shri G.K. Bhusari learned counsels for the applicant and Shri S.A. Deo, learned CPO for the State.

2. As per the submission of learned counsel for the applicant, the applicant is transferred from Hinganghat to Umred, Dist. Nagpur on 06/08/2021. Now respondent no.4 is posted on promotion at Umred, Dist. Nagpur in place of applicant.

3. The learned CPO has submitted that the respondent no.4 is already relieved and he has joined in place of applicant on 6/6/2023. He has filed joining letter of respondent no.4. It is marked Exh-X.

4. The applicant is yet not transferred. Whether the applicant can challenge the transfer / posting of respondent no.4. The definition of transfer is given in Section 2 (i) of the Transfers Act,2005. It is reproduced as below –

“2 (i) **“Transfers”** means posting of a Government servant from one post, office or Department to another post, office or Department.”

5. The applicant is not posted or issued any transfer order by the respondents till date.

6. As per the submission of the learned CPO the respondent no.4 has already joined.

7. Hence, Issue notice to the respondents returnable **15/06/2023**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

9. 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.

10. 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.

11. 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.

12. 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.

S.O. 15/06/2023

Steno copy is granted...

Vice Chairman

dnk.

O.A. No.334/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

C.A. 153/2023 -

Heard Anshul Kuril, Id. Counsel holding for K. Satpute, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The applicant wants to challenge the letter dated 12/01/2022. As per the submission of learned counsel for the applicant, inadvertently it was not prayed in the O.A.

3. Heard learned P.O. Shri M.I. Khan. He has strongly objected on ground that it is a belated application.

4. The applicant has challenged the order of the respondents for counting his service on ad-hoc post. If the amendment application is allowed, no prejudice will be caused to the respondents. Hence, the C.A. is allowed. Necessary amendment be carried out within one week. The applicant is directed to supply amended copy to the other side.

O.A. No.334/2021 –

S.O. 14/06/2023.

Vice Chairman

dnk.

O.A. No.525/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

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

2. Issue notice to the respondents returnable **28/06/2023**. Learned C.P.O. waives notice for State. 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.

S.O. 28/06/2023

Vice Chairman

dnk.

O.A. No.829/2011 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri S.U. Bhuyar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The learned counsel for applicant has already filed some citations. On the last date, the learned P.O. sought time to argue the matter. The matter is of the year 2011.

3. **S.O. 12/06/2023.** On that date, no adjournment will be granted.

Vice Chairman

dnk.

O.A. No.201/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri A.P. Gajbhiye, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 22/06/2023.**

Vice Chairman

dnk.

O.A. No.692/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. This O.A. is part heard before the Member (J) Shri M.A. Lovekar.

3. List the matter before the Member (J) Shri M.A. Lovekar on 16/06/2023.

S.O. 16/06/2023.

Vice Chairman

dnk.

O.A. No.454/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Shri N.S. Warulkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 and 2. None for R-5&6.

2. S. Ghare, learned counsel has filed today vakalatnama on behalf of respondent no.3&4.

3. The learned P.O. seeks time to file reply to the rejoinder filed by the applicant. The matter is already admitted. In the meantime, the applicant has filed rejoinder.

S.O. 20/06/2023.

In the meantime, Id. P.O. to file reply to the rejoinder.

Vice Chairman

dnk.

O.A. No.383/2023 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Heard D.M. Kakani, learned counsel for the applicants and Shri A.M. Khadatkar, learned P.O. for R-1. Await service of R-2&3.

2. As per submission of learned counsel for the applicant, the respondents are served and he will file service affidavit.

3. At the request of Id. P.O., **S.O., after three weeks** for filing reply.

Vice Chairman

dnk.

O.A. No.450/2023 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

Heard D.M. Kakani, learned counsel for the applicants and Shri A.M. Khadatkar, learned P.O. for R-1. Await service of R-2&3.

2. As per submission of learned counsel for the applicant, the respondents are served and he will file service affidavit.

3. At the request of Id. P.O., **S.O., after three weeks** for filing reply.

Vice Chairman

dnk.

(D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

C.A. 252/2023 in O.A. No.520/2023 -

Heard S. Chande, learned counsel for the applicants and Shri S.A. Deo, learned CPO for the State.

2. The learned counsel for the applicants submits that all the applicants have common grievance.

3. The learned CPO has pointed out the documents and submits that one of the applicants has challenged the order / communication on the ground that the candidates who are selected, applied for more than one posts. The grievance of one of the applicant is that she applied from woman category. As per the submission of learned CPO, the grievances of the applicants are not common and therefore joint application cannot be filed. The learned CPO is directed to file detailed reply to the C.A.No.252/2023.

4. In the meantime, issued notice on civil application returnable **on 20/06/2023.**

5. The learned P.O. waives notice for State. Hamdast granted.

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

7. 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 the O.A.

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 acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

S.O. 20/06/2023.

Vice Chairman

dnk.

O.A. No.485/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 06/06/2023.

C.A. 254/2023 -

Heard Shri P.B. Patil, learned counsel for the applicants and Shri S.A. Deo, learned CPO for the State.

2. Looking to the ground, the C.A. for amendment is allowed and disposed off. Necessary amendment be carried out within one week. The applicant is directed to supply amended copy to the other side.

C.A. 253/2023 -

Heard Shri P.B. Patil, learned counsel for the applicants and Shri S.A. Deo, learned CPO for the State.

2. As per the submission of learned counsel for the applicants, the representation of the applicants is not considered and the applicant no.1 is transferred from Chikhali to Lonar and applicant no.2 is transferred from Chikhali to Khamgaon. Both the applicants have completed six years at the present posting. They have completed normal tenure. As per the Govt. Policy, one year extension is to be granted after completion of normal tenure of transfer. Normal tenure of transfer as per the Transfers Act,2005

is of three years. Both the applicants have completed six years, therefore, they cannot claim the benefit of Govt. Policy for extension of one year on the ground of illness and handicapped. Stay cannot be granted. Hence, C.A. is disposed off.

3. The learned CPO has submitted that both the applicants are already relieved. Hence, the applicants are not entitled for any interim relief.

4. The learned counsel for the applicants submits that the applicants are not relieved. But both the applicants have completed six years at the present posting and they are transferred after completion of six years. Normal tenure of transfer as per the Transfers Act,2005 is of three years and hence extension of one year cannot be granted as per the Govt. Policy.

O.A. No.485/2023 –

S.O. 22/06/2023.

Vice Chairman

dnk.
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