

**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: -04/05/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Regular Admission Matters						
1	MA199/23 In OAS752/23	Nanded	Adv.A.S. Deshpande (Ramnarayan L Gagrani)	M.A. For Condonation of Delay		20.7.2023
2	MA208/23 In OAS754/23	Dhule	Adv.Nima R Suryawanshi (Nisha B Ghatule)	M.A. For Condonation of Delay		20.7.2023
3	OAS7621/23	Latur	Adv.A.S. Karlekar (Prashant S Auti)	Correction in Date of Birth		
Order Matters						
4	MA299/20 In OAS1286/20	Hingoli	Adv.Amol A Kokad (Ram S Bajulge)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R- 4	11.7.2023
Due Admission Matters						
5	OA96/21 With	J'gaon	Adv.R.P. Bhumkar (Shriram P Chavan)	Time Bound Promotion/ ACPS/ Recovery	Reply Filed by R-2 & R- 3	19.7.2023
6	OA127/21	J'gaon	Adv.R.P. Bhumkar (Ambar B Patil&Ors.)	Time Bound Promotion/ ACPS/ Recovery	Reply Filed by R-2 & R- 3	23.6.2023
7	OA114/22	A'bad	Adv.J.S. Deshmukh (Dr.Bhausheb S Randhe) Adv.U.S. Mote for R.No.3	Relieve	For Hearing Reply Filed by R-3	5.6.2023

8	OA369/22	J'gaon	Adv.R.P. Bhumkar (Madhukar K Patil)	Benefit of T.B.P./ Deemed Date of Promotion	Reply Filed by R-1 & R- 3	23.6.2023
9	OA879/22	Hingoli	Adv.H.P. Jadhav (Janabai B Gadade)	Police Patil	For Hearing	28.6.2023
10	OA31/23	Jalna	Adv.V.U. Pawar (Dr.Vivek B Khatgaonkar) <u>Adv.P.B. VikhePatil for R.No.3</u>	Suspension	Reply Filed by Respondent	5.6.2023
11	OA195/23	A'bad	Adv.S.S. Kulkarni/ Adv.V.U. Rathod (Sharmila V Shinde)	Transfer	Circulation	15.6.2023
Final Hearing Matters						
12	OA638/15	J'gaon	Adv.S.R. Patil (Harichandra D Patil)	Regularisation	Remanded by High Court for Fresh Decision Reply Filed by R-2 & R- 3	20.7.2023
13	OA211/20	A'bad	Adv.M.S. Taur (Nilesh B Dighe)	Transfer	Reply Filed by R-2	20.7.2023
14	OA497/20	Nanded	Adv.V.B. Wagh (Bhujang V Godbole)	Leave/ Recovery	Reply Filed by R-1 & R- 2	25.7.2023
15	OA517/20	O'bad	Adv.Vidya A Taksal (Nandkishor K Gupta) <u>Adv.U.B. Bondar for R.No.3</u> <u>Adv.R.V. Naiknaware for R.No.5</u>	Pension & Pensionery Benefits	Reply filed by R-3, R-5 & R-6	26.7.2023
16	OA545/20	A'bad	Adv.Ashish B Rajkar (Dayanand U Rajgire)	Pay and Allowances	Reply Filed by R-1 to R- 3	13.7.23
17	OA160/21	Dhule	Adv.Avinash S Deshmukh (Mayur R Sonawane)	Compassionate Appointment	Reply Filed by R-3 & R- 4	9.6.23

18	OA361/21	Beed	Adv.Chaitanya V Dharurkar (Madhukar G Misal)	Gratuity & Leave Encashment	Reply Filed by R-1 to R-3	26.7.23
19	OA383/21	A'bad	Adv.A.M. Hajare (Siddharth Y Bhalerao)	Direction/ Pensionary Benefits & Gratuity	Reply Filed by R-1 to R-5	27.6.23
20	OA488/21	A'bad	Adv.Kakasaheb B Jadhav (SayedNaimuddinSayedMoinuddin)	Retirement Benefits/ Deemed Date of Promotion	Reply Filed by R-1 to R-5	22.6.23
21	OA482/22	J'gaon	Adv.S.R. Patil (Ganesh V Patil)	Suspension	Reply Filed by R-1 to R-4	20.6.23
22.	OA 484/22	N'bar	Adv. S.V. Choudhary (J.P. Ahire)	Transfer		20.7.23

Date: -04/05/2023

S.B. For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA330/22	O'bad	Adv Ganesh J Kore (Datta B Nannaware&Ors.)	Regularization/ Directions	Reply Filed By R-2 & R-3	19.6.23
2	OA513/22	Latur	Adv.AkshayKulkarni (Vikram S Vairale)	Kotwal (Compassionate Appointment)	For Filing Affidavit in Rejoinder	5.7.23
3	OA575/22	Nanded	Adv.A.D. Gadekar (Yayati T Ghorband)	Refund of Recoveed Amount	For Filing Affidavit in Reply	19.7.23
4	OA576/22	Beed	Adv A D Gadekar (Subhash H Puri)	Refund of Recovered Amount	Await Service	19.7.23
5	OA979/22	P'bhani	Adv.Yogesh P Deshmukh	Recovery	Await	5.7.23

			(Chagan Y Gaikwad) Adv S B Mene For R-1	(Govt. Quarter)	Service For R-4	
6	OA1094/22	Nanded	Adv.D.K. Dagadkhair (Madhav B Wangaje)	Transfer/ Posting	Await Service	16.6.23
7	OA1095/22	Nanded	Adv D KDagadkhair (Tukaram S Pohare)	Transfer/ Posting	Await Service	16.6.23
8	OA1107/22	A'nagar	AdvAvinash S Deshmukh (Shrikrishna V Bhalsing)	Interest on Delayed Payment	For Reply	20.7.23
9	OA01/23	Jalgaon	Adv C V Dharurkar (Shashikant J Ingle)	Suspension/ Re-instatement	For Filing Affidavit in Rejoinder	18.7.23
10	TA12/23 WP6494/22	Latur	AdvAdgaonkarRavibhush an P (kashibai A Shrimangale)	Compassionate Appointment	For Filing Affidavit in Rejoinder	5.7.23
11	OA73/23	P'rbn	Adv D K Rajput (Jyoti C Hatkar)	Suspension/ Re-instatement	For Reply	30.6.23
12	OA86/23	Nanded	Adv D K Rajput (Shyam M Yesmod)	Suspension/ Re-instatement	For Reply	30.6.23
13	OA111/23	Nanded	Adv J S Deshmukh (Dr.Udaykumar T Helkar)	Suspension/ Reinstatement	For Reply	30.6.23
14	OA125/23	A'bad	AdvAvinashS Deshmukh (Milind D Shah)	Pay Fixation/ Pension	Await Service	21.7.23
15	OA144/23	Latur	Adv R P Bhumkar (Pratulchandra N Gundre&Ors.)	Time Bound Promotion	For Filing Affidavit in Reply	14.6.23
16	OA149/23	A'bad	Adv D K Dagadkhair (Vijay R Thorat)	Family Pension	For Reply	16.6.23
17	OA166/23	A'bad	Adv.AmrutaParanjape-	Transfer	Await	11.7.23

			Menezes (Sunil R Kharat)		Service	
18	OA175/23	Jalna	Adv.D.R. IralePatil (Ramesh B Tekale)	Compassionate Appointment	Await Service R-3	11.7.23
19	OA196/23	P'bhani	Adv.VivekPingle (Ganesh U Chavan)	Recovery	Await Service	Notice 20.7.23
20	OA249/23	Dhule	Adv V P Narwade (Rajendra D Shinde)	Pension &Pensionety Benefits	Await Service	20.7.23
21	OA305/23	A'bad	Adv A B Rajkar (Rahul K Landge)	Compassionate Appointment	For Reply	7.7.23
22	OA313/23	P'rbn	AdvSuchitaDhongade (Gopal T Joshi)	Benefit of T.B.P/A.C.P.S	For Reply	20.7.23
23	OA317/23	D'shiv	Adv R A Joshi (Triyambak G Mehatre)	Directions/ Transfer	For Reply	Disposed of
Order Matters						
24	MA217/21 In OAST598/21	Beed	Adv.V.B. Wagh (Vitthal S Lokhande&Ors.)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	19.7.23
25	MA229/21 In OAST655/21	Nanded	Adv.A.G. Vasmatkar (Pundlik N Amberao Died through LRs.)	M.A. For Condonation of Delay to bring LRs. On Record	For Filing Affidavit in Reply	19.7.23
26	MA209/22 In OASSt108/21	Beed	Adv.M.R. Kulkarni/ Adv.MujahedHussain (Ashok R Jujgar)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	12.7.23
27	MA254/22 In OASSt626/22	A'bad	Adv.Priya R Bharaswadkar (Dr.Megha D Deshmukh)	M.A. For Condonation of Delay	For Reply	20.7.23
28	MA560/22 In OASSt3026/22	J'gaon	Adv.Y.H. Jadhav/ Adv.G.A. Nagori (Indubai J Mali)	M.A. For Condonation of Delay	For Reply	18.7.23
29	MA559/22 In OASSt3024/22	J'gaon	Adv.Y.H. Jadhav/ Adv.G.A. Nagori (Pooja D Pawar) <u>Adv.S.R. Patil For R-3</u>	M.A. For Condonation of Delay	For Reply	18.7.23

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

Date: -04/05/2023 **(Additional Board)**

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Regular Admission Matter						
1	OA350/23	N'bar	Adv.Ajay S Deshpande (Sandip U Patil)	Transfer		Disposed of
2	OA360/23	Jalna	Adv.Preeti R Wankhade (Vilas D Ambhore)	TRansfer		Notice 11.5.23
Due Admission Matter						
3	OA316/23	Dhule	Adv.S.D. Joshi (Abhijit V Deshpande)	Suspension	Part Heard	Disposed of

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

Date: -04/05/2023 **(Additional Board-1)**

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matter						
1	OA797/22	A'nagar	Adv.V.B. Wagh (Amol S Ajabe)	Posting	For Hearing Reply Filed by R-1 to R- 3	Disposed of

MAHRASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

List of Cases Set Down for Physical Hearing/Admission/Order/etc.

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

(HON'BLE SINGLE BENCH) (Additional Board)

Date:- 04/05/2023.

Due Admission Matters

<u>Sr. No.</u>	<u>O.A. No.</u>	<u>District</u>	<u>Adv.'s Name & Applicants Name</u>	<u>Subject</u>	<u>Remarks</u>
01	O.A. No. 267/2023	Dhule	Ajay S. Deshpande (Chandrakant B. Paraskar)	Transfer	For Hearing/ Reply filed by R. No. 3

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

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

Before: -THE HON'BLE SHRI. BIJAY KUMAR, MEMBER (A)

Date: -04/05/2023

Sr No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
11	MA14/21 In OAS1471/20	A'nagar	Adv.K.B. Borde/ Adv.NitinBhapkar (Varsha M Kalyankar)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-3	23.06.2023
12	MA96/22 In OAS196/22	Nanded	Adv.VikramKadam (Panjabrao D Bhosale& Others)	M.A. For Condonation of Delay	For Hearing	16.6.2023
13	MA163/22 In OAS1492/21	Latur	Adv.A.S. Bayas (Goroba S Barde)	M.A.ForCond onation of Delay	For Hearing	16.6.2023
14	MA189/23 In OA33/22	Nanded	Adv.V.B. Wagh (Vithal N Kokulwar)	M.A. For I.R.		9.6.2023
15	MA190/23 In OA34/22	Nanded	Adv.V.B. Wagh (Sachin D Shrimanwar)	M.A. For I.R.		16.6.2023
17	OA872/18	A'nagar	Adv.Arvind G Ambetkar (Arun M Gir)	Departmental Enquiry	For Hearing Reply Filed by R- 1 to R-5	11.7.2023
18	OA575/19	Beed	Adv.Santosh C Bhosale (Dr.Sachin D Shekde&Ors.)	Challenging G.R.	For Hearing	11.7.2023
19	OA633/19	A'nagar	Adv.A.S. Deshmukh (Meena C Shivagunde) <u>Adv.K.U. More for R.No.4</u>	Termination	For Hearing Reply Filed by R- 1 & R-3	12.7.2023

20	OA783/19	Jalna	Adv.Sunil B Jadhav (Anil P Chittarwad)	Deem Date of Appointment/ Promotion/ Seniority	For Hearing Reply Filed by R- 1 & R-2	14.7.2023
21	OA375/20 with	Beed	Adv.Avinash S Deshmukh (Amol M Naikwade)	Termination	For Hearing Reply Filed by R- 2 to R-4	16.6.2023
22	OA376/20 with	P'bhani	Adv.Avinash S Deshmukh (Govind KSurnar)	Termination	For Hearing Reply Filed by R- 4	
23	OA418/20 with	Beed	Adv.Avinash S Deshmukh (Popat K Gonde&Ors.)	Termination	For Hearing Reply Filed by R- 2 & R-3	
24	OA428/20 with	Hingoli	Adv.Avinash S Deshmukh (Bandu S Bontalwar)	Termination	For Hearing Reply Filed by R- 1 to R-3	
25	OA434/20	P'bhani	Adv.Avinash S Deshmukh (Mahesh D Desai)	Termination	For Hearing Reply Filed by R-1 to R-3	
26	OA77/21	A'bad	Adv V B Wagh (Vishvanath H Mahindrakar&ors)	Reversion	For Hearing Reply Filed by R-1 & R-2	16.6.2023
27	OA255/21	O'bad	Adv.C.V. Dharurkar/ Adv.VinayaMuleyDharurkar (Ashvini M Dudhbhate) <u>Adv.A.S. Deshmukh for R.No.5</u> <u>Adv.M.B. Kolpe for R.No.4</u>	Appointment	For Hearing Reply Filed by R- 1 to R-5	7.7.2023
28	OA335/21	P'bhani	Adv.Kailas B Bhise (Dyaneshwar B Bulbule&Ors.)	Challenging Seniority List (Kotwal)	For Hearing Reply Filed by R-2, R-3 & R-7	10.7.2023
29	OA421/21	P'bhani	Adv.V.G. Pingle (Manohar M Bharane) <u>Adv.Shamsunder B Patil For R.No.3</u>	Benefit of G.R.	For Admission Reply Filed by R- 3	12.7.2023

30	OA679/21	Jalna	Adv.K.B. Jadhav (Mahesh G Satkar)	Rmoval From Service	For Hearing Reply Filed by Respondents	12.7.2023
31	OA819/21	A'nagar	Adv.P.R. Wankhade (Laxman G Lagad&Ors.)	Challenging G.R.	For Admission Reply Filed by R- 1 to R-6	12.7.2023
32	OA86/22	O'bad	Adv.R.D. Khadap (Ranjit D Shingare)	Challenging Amended Rules/ Examination Result	For Hearing Reply Filed by R- 3	12.7.2023
33	OA310/22	P'bhani	Adv.M.N. Kolhe/ Adv.P.M. Gaikwad (Shivaji M Deshmukh)	Appoiatment	For Hearing Reply Filed by R- 3 & R-4	12.7.2023
34	OA423/22	Latur	Adv.M.V. Salunke (Appasaheb B Shinde)	Dismissal		7.7.2023
35	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	7.7.2023
36	OA941/22	A'bad	Adv.S.D. Joshi (Ramesh D Narwade)	Major Punishment/ Compulsory Retirement	For Admission Reply Filed by R- 2 & R-3	6.7.2023
37	OA942/22	A'bad	Adv.S.D. Joshi (Abdul Razzaq Abdul Rahim Shaikh)	Major Punishment/ Compulsory Retirement	For Admission Reply Filed by R- 2 & R-3	6.7.2023
38	OA271/23	A'nagar	Adv.A.S. Deshpande (Anil S Chavan)	Selection Process (MPSC-Debar)	Additional Affidavit Filed	9.6.2023
Final Hearing Matters						
39	OA245/19	Beed	Adv.Hrishikesh V Tungar (Subhadra J Mahuwale)	Recovery/ Major Punishment	Reply Filed by R-1 & R-2	11.7.202 3
40	OA55/20	J'gaon	Adv.A.S. Bayas (Bhagwan D Sonwane)	Condonation of Technical Breaks in Service/ Benefits of ACPS	Reply Filed by R-1 to R-4	11.7.202 3

41	OA264/22	Hingoli	Adv.V.B. Wagh (Ganesh P Jagtap)	Promotion	Reply Filed by R-1	12.7.2023
Old Matters For Final Hearing Peremptorily at 03:00 P.M.						
1	TA2/12 WP9902/11	O'bad	Adv.A.L. Tikle/ Adv.Naiknaware (Radha N Choure)	Selection/ Appointment	Re Hearing Reply Filed by R-2	12.6.2023

Date: -04/05/2023

D.B. for reply board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA415/21	A'bad	Adv.Sanotsh S Dambe (Vivekanand V Auti&Ors.)	Selection	For Filing Affidavit in Reply Ref.Order dtd.20.01.2023 For Taking Instructions	6.7.2023
2	OA552/21	A'nagar	Adv.C.V. Dharurkar (JabbarDastgitPinjari)	Selection Process as per Advertisement	Await Service	6.7.2023
3	OA554/21	A'bad	Adv.Ravindra B Ade (Harshal N Yevle)	Termination	For Filing Affidavit in Rejoinder	6.7.2023
4	OA588/21	Latur	Adv.C.V. Dharurkar (Holambe N Dagdu&Ors.) Adv.Chandrkant A Jadhav for R.No.5	Advertisement/ Recruitment	For Filing Affidavit in Rejoinder	10.7.2023
5	OA487/22 with	Dhule	Adv.V.B. Wagh (Rajesh J Gangurde)	Promotion/ Reversion	As One More Last Chance For Filing Affidavit in Reply	19.6.2023
6	OA488/22	Dhule	Adv.V.B. Wagh (Sanjay V Tadvi)	Promotion/ Reversion	For Filing Affidavit in Rejoinder	19.6.2023
7	OA509/22	A'bad	Adv.Ajay S Deshpande (Groundwater Engineers Association Maha. State Through Its President Balasaheb D Patil)	Change In Nomenclatures	For Filing Affidavit in Reply For R-1 & For Filing Affidavit in Rejoinder to the Affidavit in Reply Filed by R-2 & R-3	10.7.2023

8	OA794/22	Beed	Adv.S.S. Thombre (Ishvar S Survase)	Termination	For Filing Affidavit in Reply For R-1 to R-3, R-10 & R12	19.6.2023
9	OA824/22	Nanded	Adv.S.S. Thombre/ Adv.A.V. Thombre (Pravin S Jadhav&Ors.)	Seniority List	For Filing Affidavit in Rejoinder	10.7.2023
10	OA832/222	Jgaon	Adv.S.N. Pagare (Dr. Harshal M Mahajan) <u>Adv.M.B. Kolpe For R.No.3</u>	Interview	Await Service	19.6.2023
11	OA939/22	Nanded	Adv.P.S. Anerao (Santosh T Pawar&Ors.)	Seniority List	For Filing Affidavit in Rejoinder	11.7.2023
12	OA954/22	Hingoli	Adv.S.S. Thombre (Sahebrao S Rathod)	Promotion	Await Service	10.7.2023
13	OA955/22	J'gaon	Adv.S.S. Thombre (Swapnil G Sabale)	Appointment	Await Service	30.6.2023
14	OA958/22	P'bhani	Adv.S.S. Thombre (Vasant S Tupkari)	Termination	For Reply	30.6.2023
15	OA64/23	Nanded	Adv.B.G. Deshmukh (Umakant D Bhang&Ors.)	Seniority List/ Seniority	For Filing Affidavit in Rejoinder	23.6.2023
16	OA137/23	A'bad	Adv.Kakasaheb B Jadhav (Vijay V Pagare)	Termination	For Reply	21.6.2023
17	OA237/23	A'bad	Adv.S.S. Dambe (Navnath J Devare&Ors.)	Selection Process	Await Service	6.7.2023
18	OA309/23	P'bhani	Adv.Suchita Dhongde (Mohammad Moinoddin Mohammad Sharfoddin)	Challenging G.R.	For Reply	17.7.2023

DATE : 04.05.2023

ORIGINAL APPLICATION NO. 363 OF 2023

(Barat W. Ware Vs. The State of Maha. & Ors.)

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

1. Shri S.R. Andhale, learned Advocate for the applicant and Smt. Deepali Deshpande, learned P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **15.06.2023**. The case be listed for admission hearing on **15.06.2023**.
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

Kpb/ Registrar notice

M.A. No. 198/2023 in O.A. No. 139/2020
(Shravan P. Pawara Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri Alkesh Jadhav, learned Advocate holding for Shri Chaitanya Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 10.07.2023.
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 10.07.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

ORIGINAL APPLICATION NO. 294 OF 2023

(Ansari Abdul Ahmed Gulam Mahammed Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The applicant is seeking relief of exemption for passing the Departmental Examination on attaining the age of 50 years. According to the claim of the applicant, he had been absorbed in Municipal Services in the year 2010 and that he has completed 15 years of continuous service. He has contended that granting permanency or taking decision in respect of permanency of the applicant is not within the control of the applicant himself and the respondents have not given reason for not deciding this issue till today.

3. Learned C.P.O. pointed out that notices have not been issued in the present matter and therefore, time may be granted to the respondents for filing affidavit in reply after issuance of notices.

4. Learned Advocate for the applicant submitted that D.P.C. meeting is scheduled on 16.05.2023. He further

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submitted that if the name of the applicant within the zone of consideration prepared as per applicable rules then his case may also be considered by the D.P.C. and service details of the applicant may be submitted to the DPC along with deficiency in the case of the applicant as communicated by the respondent No. 2 vide his letter dated 28.04.2023.

5. In view of above, in my considered opinion, it is fair ask on behalf of the applicant. The respondents are therefore, directed to submit the case of the applicant along with all relevant documents before the DPC provided the name of the applicant is already determined to be within the zone of consideration. DPC may consider the case of the applicant on merit, if the respondents forward the same in compliance with procedure outlined in the para of the order.

6. Issue notices to the respondents, returnable on 21.06.2023.

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

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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.

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 21.06.2023.

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

MEMBER (A)

ORIGINAL APPLICATION NO. 295 OF 2023

(Farooqui Mohammad Aijuzuddin Nazeroddin Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. The applicant is seeking relief of exemption for passing the Departmental Examination on attaining the age of 50 years. According to the claim of the applicant, he had been absorbed in Municipal Services in the year 2010 and that he has completed 15 years of continuous service. He has contended that granting permanency or taking decision in respect of permanency of the applicant is not within the control of the applicant himself and the respondents have not given reason for not deciding this issue till today.

3. Learned P.O. pointed out that notices have not been issued in the present matter and therefore, time may be granted to the respondents for filing affidavit in reply after issuance of notices.

4. Learned Advocate for the applicant submitted that D.P.C. meeting is scheduled on 16.05.2023. He further

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submitted that if the name of the applicant within the zone of consideration prepared as per applicable rules then his case may also be considered by the D.P.C. and service details of the applicant may be submitted to the DPC along with deficiency in the case of the applicant as communicated by the respondent No. 2 vide his letter dated 28.04.2023.

5. In view of above, in my considered opinion, it is fair ask on behalf of the applicant. The respondents are therefore, directed to submit the case of the applicant along with all relevant documents before the DPC provided the name of the applicant is already determined to be within the zone of consideration. DPC may consider the case of the applicant on merit, if the respondents forward the same in compliance with procedure outlined in the para of the order.

6. Issue notices to the respondents, returnable on 21.06.2023.

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

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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.

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 21.06.2023.

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

MEMBER (A)

ORIGINAL APPLICATION NO. 296 OF 2023
(Bhagwan N. Bodkhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. The applicant is seeking relief of exemption for passing the Departmental Examination on attaining the age of 50 years. According to the claim of the applicant, he had been absorbed in Municipal Services in the year 2010 and that he has completed 15 years of continuous service. He has contended that granting permanency or taking decision in respect of permanency of the applicant is not within the control of the applicant himself and the respondents have not given reason for not deciding this issue till today.

3. Learned P.O. pointed out that notices have not been issued in the present matter and therefore, time may be granted to the respondents for filing affidavit in reply after issuance of notices.

4. Learned Advocate for the applicant submitted that D.P.C. meeting is scheduled on 16.05.2023. He further

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submitted that if the name of the applicant within the zone of consideration prepared as per applicable rules then his case may also be considered by the D.P.C. and service details of the applicant may be submitted to the DPC along with deficiency in the case of the applicant as communicated by the respondent No. 2 vide his letter dated 28.04.2023.

5. In view of above, in my considered opinion, it is fair ask on behalf of the applicant. The respondents are therefore, directed to submit the case of the applicant along with all relevant documents before the DPC provided the name of the applicant is already determined to be within the zone of consideration. DPC may consider the case of the applicant on merit, if the respondents forward the same in compliance with procedure outlined in the para of the order.

6. Issue notices to the respondents, returnable on 21.06.2023.

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

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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.

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 21.06.2023.

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

MEMBER (A)

ORIGINAL APPLICATION NO. 347 OF 2023
(Baban R. Zagade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 04.07.2023.
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 04.07.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

ORIGINAL APPLICATION NO. 356 OF 2023
(Sharad P. Jare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant has given circulation note on 02.05.2023 and the Tribunal has given today's date i.e. 04.05.2023.

3. Learned C.P.O. submitted that the notices may be issued to the respondents and time may be granted for filing affidavit in reply after issuance of notices.

4. However, learned Advocate for the applicant has contended that the DPC meeting is scheduled in the month of May 2023 itself i.e. during summer vacation period and the services of the applicant Shri Sharad P. Jare has already been reviewed and allowed to be extended beyond the age of 50 years vide Government Resolution of Co-operation, Marketing and Textile Department, dated 26.04.2023. Learned Advocate for the applicant further contended that the DPC is likely to be held shortly.

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5. In absence of detailed procedure followed by the respondents for finalizing name under zone of consideration for promotion, it is not possible to grant interim relief prayed for as per para 28(a) and 28(b) in the present O.A. However, the respondents are in the meantime, till filing affidavit in reply, consider the name of the applicant for inclusion in zone of consideration on merit, if the applicant meets all the criteria therefor and inform the applicant accordingly in writing.

6. The decision taken by the respondents will be subject to outcome of the present O.A.

7. Issue notices to the respondents, returnable on 12.06.2023.

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

9. 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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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 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.

12. S.O. to 12.06.2023.

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

MEMBER (A)

KPB ORAL ORDERS 04.05.2023

ORIGINAL APPLICATION NO. 105 OF 2021
(Smita K. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. As the Division Bench is not available on 03.05.2023 due to medical emergency to be attended by the Hon'ble Member (J), the present matter was listed on today's board i.e. on 04.05.2023. However, today also the Division Bench is not available for the same reason.

3. The present matter is time bound by the Hon'ble High Court.

4. In view of above, the present matter be fixed on the very first day after summer vacation.

5. S.O. to 05.06.2023 for final hearing. **High on Board.**

MEMBER (A)

M.A. No. 213/2023 in O.A. No. 425/2020
(Sachin U. Shinde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri M.B. Bharaswadkar, learned Advocate for respondent Nos. 5 to 7 & 11.

2. The Division Bench is not available.

3. Learned Advocate for the applicants submitted that the issue of interim relief may be decided by the Division Bench and therefore, the present matter may be fixed after summer vacation.

4. In the mean time, the respondent authorities are directed to prepare the chart showing the RFO's who have been or are eligible for granting deemed date of promotion to the post of ACF by effecting strict application of Rule 7 of the Maharashtra Forest Service, Group-B, (Recruitment), Rules 1998, provision of the MCS (Regulation of Seniority) Rules, 1982 and the orders passed by this Tribunal or Hon'ble High Court in similar cases, if any and submit on the next date of hearing so that the contours of the dispute between the parties can be appreciated in the present O.A.

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5. Learned Advocate for the applicants may also submit copies of Rules / citations as the case may be to show that impugned communication dated 14.09.2020 annexed at page No. 84-85 of P.B. and marked as Annexure 'L' is ultra-vires to the extant rules for determining the services of RFOs.

6. S.O. to 07.06.2023.

MEMBER (A)

KPB ORAL ORDERS 04.05.2023

ORIGINAL APPLICATION NO. 338 OF 2023
(Sachin U. Shinde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the
applicants and Shri M.S. Mahajan, learned Chief
Presenting Officer for the respondent authorities.

2. S.O. to 07.06.2023.

MEMBER (A)

M.A. No. 189/2023 in O.A. No. 33/2022
(Vitthal N. Kokulwar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for
the applicant and Shri M.P. Gude, learned
Presenting Officer for the respondent authorities.

2. S.O. to 09.06.2023.

MEMBER (A)

KPB ORAL ORDERS 04.05.2023

M.A. No. 190/2023 in O.A. No. 34/2022
(Sachin D. Shrimanwar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Any decision taken by the respondents during pendency of the O.A. will be subject to final outcome of the O.A.

3. The present matter may be taken up before the Division Bench for next hearing on 16.06.2023

MEMBER (A)

ORIGINAL APPLICATION NO. 504/2020
(Dr. Anita A. Kadam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri S.B. Patil, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.
3. S.O. to 12.06.2023. **High on Board.**

MEMBER (A)

ORIGINAL APPLICATION NO. 137/2023
(Vijay V. Pagare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

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 21.06.2023.

MEMBER (A)

ORIGINAL APPLICATION NO. 77 OF 2021
(Vishvanath H. Mahindrakar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for
the applicants and Shri S.K. Shirse, learned
Presenting Officer for the respondent authorities.

2. S.O. to 16.06.2023 for hearing. Interim relief
granted earlier to continue till then.

MEMBER (A)

O.A. Nos. 375, 376, 418, 428 & 434 all of 2020
(Amol M. Naikwade & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate
for the applicants in all these O.As. and Shri M.S.
Mahajan, learned Chief Presenting Officer for the
respondent authorities in all these O.As.

2. S.O. to 16.06.2023 for hearing. Interim relief
granted earlier to continue till then.

MEMBER (A)

KPB ORAL ORDERS 04.05.2023

**ORIGINAL APPLICATION NO. 554 OF 2021
(Harshal N. Yavle Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri R.B. Ade, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted as a last chance for filing rejoinder affidavit.

3. S.O. to 06.07.2023.

MEMBER (A)

O.A. Nos. 487 and 488 both of 2022
(Rajesh J. Gangurde & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants in both the O.As. and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities in both the O.As.

2. At the request of learned P.O., time is granted as a final chance for filing affidavit in reply on behalf of respondents in O.A. No. 487/2022.

3. At the request of learned Advocate for the applicants, time is granted for filing rejoinder affidavit in O.A. No. 488/2022.

4. S.O. to 19.06.2023. Status quo granted earlier in both the O.As. to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 794 OF 2022
(Ishvar S. Survase Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. At the request of learned P.O., time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 3, 10 & 12.

3. S.O. to 19.06.2023. Interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 832 OF 2022
(Dr. Harshal M. Mahajan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri S.N. Pagare, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri M.B. Kolpe, learned Advocate for respondent No. 3.

2. Await service of notice on the respondents.
3. S.O. to 19.06.2023. Interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 958 OF 2022
(Vasant S. Tukari & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned C.P.O., time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 30.06.2023. Interim relief granted earlier to continue till then.

MEMBER (A)

**ORIGINAL APPLICATION NO. 955 OF 2022
(Swapnil G. Sabale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 5. Same is taken on record and copy thereof has been served on the other side.
4. S.O. to 30.06.2023.

MEMBER (A)

**MA St. 817/23 with MA 216/23 with MA 217/23
in OA 227/2023
(Swapnil G. Sabale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri S.S. Deogude, learned Advocate holding for Shri H.A. Bali, learned Advocate for the applicants/ intervenors in M.A. St. 817/23 and 217/2023 and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities. Shri K.J. Ghule Patil / Ashish Rajkar, learned Advocate for the applicants / intervenors in M.A. No. 216/2023 and Shri N.N. Gore/S.R. Sapkal, learned Advocate for the applicants in O.A., **are absent.**

2. Learned Advocate for the applicants / intervenors submitted that some of the applicants / intervenors in M.A. No. 217/2023 may be allowed to withdraw the M.A. No. 217/2023 with liberty to file separate O.As. However, no reasons have been put forth by the learned Advocate for the applicants / intervenors in order to justify consideration of the submission.

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3. On perusal of the circulation note, it is evident that the signatory applicants in their communication dated 02.05.2023 addressed to the learned Advocate Shri H.A. Bali just prayed for withdrawal of the M.A. No. 217/2023. Whereas the learned Advocate for the applicants/intervenors made oral submission that leave may be granted to the applicants for withdrawal of the M.A. No. 217/2023 with liberty to file the separate O.As.

4. In view of above, it appears that true facts have not been put-forth, which is not a good practice and therefore, the prayer for withdrawal of M.A. No. 217/2023 is hereby rejected.

5. S.O. to 05.06.2023.

MEMBER (A)

ORIGINAL APPLICATION ST. NO. 822 OF 2023
(Radheshyam B. Sonawane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present matter is not on board. At the request of learned Advocate for the applicant it is taken on board.

3. Learned Advocate for the applicant has given circulation note on 03.05.2023 and the Tribunal has given today's date i.e. 04.05.2023. In spite of that, the present matter is not listed on today's board.

4. The office of this Tribunal has raised following objections, which are as follows :-

- (i) Detail Address of Respondent Nos. 3 to 5 not given.
- (ii) Limitation clause not properly explained.

5. In respect of first objection regarding detailed address of respondent Nos. 3 to 5, learned Advocate for the applicant has mentioned that he has taken address from the promotion order dated 17.04.2023, which is

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appended at page Nos. 90 to 106 (Annexure A-8). It is admitted that the address may not be complete for delivery of notices by post. In that sense office objection is correct and could have been complied by clarifying the responsibility of service of notice undertaken by the applicant by hand delivery.

6. Learned Advocate for the applicant has given assurance that he will serve the notices personally / by hand delivery by taking humdast that may suffice for the purpose. The second objection in respect of limitation clause, learned Advocate for the applicant submitted that name of the applicant was forwarded to the D.P.C. for making recommendation and thereafter, the first communication he has received or is available in public domain is the promotion order dated 17.04.2023 and therefore, the cause of action starts from that date. This objection too could have been cured by submitting clarification note to the registry. However, as the clarification has been received now during today, hence, notices may be issued.

7. Issue notices to the respondents, returnable on 23.06.2023.

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

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9. 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.

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 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.

12. S.O. to 23.06.2023.

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

MEMBER (A)

ORIGINAL APPLICATION ST. NO. 837 OF 2023
(Ravi Rajendra Majuri Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate holding for Shri K.P. Rodge, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present matter is not on board. At the request of learned Advocate for the applicant it is taken on board.

3. It is grievance of the learned Advocate for the applicant that he had given circulation note on 03.05.2023 and the Tribunal has given today's date i.e. 04.05.2023. In spite of that, the present matter is not listed on today's board.

4. However, the office has raised the following office objection :-

“(i) Applicant is serving at Alibag Division, District Raigad. Therefore, the present Original Application do not come within the jurisdiction of this Hon'ble Tribunal.”

5. On perusal of the O.A., it is seen that the applicant is posted at Raigad in Konkan Division and all the respondents are within the jurisdiction of Principal Seat

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of this Tribunal at Mumbai. Therefore, in my opinion, there is no deficiency in office objection.

6. The learned Advocate for the applicant further submitted that there is no proper and necessary party situated in territorial jurisdiction of this Tribunal, who can be added as party respondents for the reason that only concerned party may be the Caste Certificate Scrutiny Committee against whose decision a Writ Petition No. 4875/2020 has been filed by the applicant at Aurangabad Bench of the Hon'ble Bombay High Court.

7. The learned Advocate has submitted that he will seek remedy from the Principal Seat of this Tribunal. In that context, the applicant has been advised to ensure that multiple proceedings may not be pursued at different forums such as Hon'ble High Court and in this Tribunal in one and the same matter.

8. In view of above, the present O.A. is treated as withdrawn and therefore, disposed of. There shall be no order as to costs.

MEMBER (A)

ORIGINAL APPLICATION NO. 192 OF 2023
(Yogesh S. Swami & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri G.L. Deshpande, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. In the present Original Application, the learned Advocate for the applicants submitted a copy of establishment pattern dated 10.04.2023, which is taken on record and copy thereof has been served on the other side.

3. It is noticed that the present matter requires preliminary finding of following issues :-

(a) Locus of applicant when respondents do have difference of opinion among themselves and are yet to take a final decision under scheme of Constitution of India under which operational autonomy has been granted to MPSC. It is especially so in the light to response of MPSC to revision in requisition by respondents.

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(b) Ascertaining number of sanctioned posts of Assistant Town Planner, Class-1 Group-B mentioned in various G.R's. including G.R. dated 10.04.2023.

(c) Conformity of G.R. dated 31.10.2022 with policy declared by G.R. dated 11.02.2016 so as to warrant intervention by the Tribunal.

(d) To ensure that number of vacant posts tally over all relevant G.R. including the G.R. dated 10.04.2023.

4. In view of above, the present matter is fit to be placed before the Division Bench.

5. S.O. to 08.06.2023.

MEMBER (A)

ORIGINAL APPLICATION NO. 271 OF 2023
(Anil S. Chavan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : 04.05.2023

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant on being asked clarified on the basis of instruction received that the impugned order of MPSC dated 10.02.2023 was received by the applicant on the same day. However, he waited for over a month to file the present O.A. which has been filed on 04.03.2023.

3. In view of the facts in the matter, it may not be appropriate for the Tribunal to grant relief in terms of prayer clause 16(C) and 16(D) (page No. 9 of paper book). However, the decision taken by the respondents in the matter during pendency of the present O.A. shall be subject to outcome of this O.A.

4. S.O. to 09.06.2023 for hearing.

MEMBER (A)

ORIGINAL APPLICATION NO. 1107/2022

(Shri Shrikrishna V. Bhalsing Vs. the state of Maharashtra & Ors.)

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

DATE : 4.5.2023

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Presenting Officer last chance granted to file the affidavit in reply. It is, however, made clear that if the reply is not filed on or before the next date, the matter will be heard on merit.

3. S.O. to 20.7.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 4.5.2023

ORIGINAL APPLICATION NO. 01/2023
(Shri Shashikant Ingle Vs. the state of Maharashtra & Ors.)

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

DATE : 4.5.2023

ORAL ORDER :

Shri C.V. Dharurkar, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel submits that the applicant is not intending to file any rejoinder.
3. List the matter for hearing on 11.7.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 4.5.2023

M.A. ST. 199/2023 IN O.A. ST. NO. 752/2023
(Ramnarayan L. Gagrani Vs. the state of Maharashtra & Ors.)

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

DATE : 4.5.2023

ORAL ORDER :

Heard Shri Mayur Subhedar, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents in the present Misc. Application, returnable on 20.7.2023.

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 20.7.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 350/2023
(Shri Sandip U. Patil Vs. the state of Maharashtra & Ors.)

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

DATE : 4.5.2023

ORAL ORDER :

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

2. The applicant has preferred the present Original Application seeking quashment of the order dated 19.1.2023 whereby respondent no. 2 has cancelled the order dated 17.12.2021 whereby the applicant was transferred from Nagpur City to Nandurbar on District Caste Verification Committee.

3. When the present matter is taken up for consideration the learned Chief Presenting Officer on instructions makes a statement that as requested by the applicant, he will be definitely given posting at any of the Police Station/office in Nashik Range and necessary orders would be passed by the end of this month. On such statement made by the learned Chief Presenting Officer, the learned counsel for the applicant submits that by recording such statement the present Original Application can be disposed of.

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O.A. NO. 350/2023

4. In view of the fact that the respondents have now made a concrete statement and have accepted the request of the applicant, the present Original Application stands disposed of without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDER 4.5.2023

ORIGINAL APPLICATION ST. NO. 196/2023
(Shri Ganesh U. Chavan Vs. the state of Maharashtra & Ors.)

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

DATE : 4.5.2023

ORAL ORDER :

Heard Shri Vivek Pingle, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, re-issue notice to the respondent no. 1, returnable on 20.7.2023.

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 20.7.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 317/2023
(Shri Tryambak G. Mehatre Vs. the state of Maharashtra & Ors.)

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

DATE : 4.5.2023

ORAL ORDER :

Heard Shri H.A. Joshi, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities.

2. In the present matter notice has been served upon the respondents but the affidavit in reply is not yet received. The learned Presenting Officer sought time to file the affidavit in reply. It is, however, the contention of the learned counsel that the present Original Application can be disposed of with the directions to the respondents to consider the representation on its own merit submitted by the applicant on 23.2.2023. It is the contention of the applicant that his wife is in service of Zilla Parishad and is posted at Nanded and the applicant is presently working at Osmanabad. The distance between Nanded and Osmanabad is about 300 KMs. The applicant himself is heart patient. In the

circumstances the applicant has made a representation to the respondents on 23.2.2023.

3. Though there appears prima-facie substance in the submissions so made on behalf of the applicant, it is the prerogative of the Government to effect the transfers of their employees considering the vacancy position, administrative exigencies etc. The learned counsel pointed out that presently the process of effecting general annual transfers is in progress and this is the only opportune time for considering the application of the applicant.

4. In view of the submissions so made without going into merits of the contentions raised in the Original Application I deem it appropriate to dispose of the present application with the direction to the respondents to consider the representation dated 23.2.2023 submitted by the applicant on its own merit and take the appropriate decision thereon during the process of annual general transfers of the current year.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 797/2022
(Shri Amol S. Ajabe Vs. the state of Maharashtra & Ors.)

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

DATE : 4.5.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, the learned counsel for the applicant submits that the present Original Application can be disposed of by giving liberty to the applicant to make a representation to the appropriate authority for his further posting. The learned counsel submits that the applicant was transferred to Shrigonda in the year 2017. On 6.5.2022 i.e. vide the impugned order the applicant was attached to the Police Headquarters at Ahmednagar and since then the applicant is discharging his duties at Police Headquarters at Ahmednagar. The learned counsel further submitted that the allegations, which were made against the applicant, the departmental enquiry has been conducted in that regard and the

applicant has also been punished with stoppage of 2 increments. The learned counsel submitted that in the circumstances the attachment order passed on 6.5.2022 requires to be reconsidered. The learned counsel submits that at Shrigonda the applicant has completed ordinary tenure and is thus due for transfer. In the circumstances, it is now contended that the applicant will submit a representation seeking his further posting and the present Original Application can be disposed of in that view.

3. It has to be clarified that this Tribunal may not be giving any mandate for posting of the applicant at any particular place, however, if the applicant has completed his ordinary tenure at the present posting his request can be considered on its own merit for giving him posting at the appropriate place.

4. In the circumstances, without going into the merit of the contentions raised in the present Original Application the same can be disposed of with the following order:-

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O.A. NO. 797/2022

ORDER

(i) It would be open for the applicant to submit a representation to respondent no. 2 within a week from the date of this order and if such a representation is submitted, the respondents shall decide the same on its own merits and communicate the decision thereof to the applicant.

(ii) The Original Application stands disposed of in the aforesaid terms without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDER 4.5.2023

ORIGINAL APPLICATION NO. 360/2023
(Shri Vilas D. Ambhore Vs. the state of Maharashtra & Ors.)

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

DATE : 4.5.2023

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. The applicant has insisted for interim relief thereby staying the effect and operation of the impugned order. It is the contention of the learned counsel for the applicant that the applicant is being shifted for the reason that the post on which he was working is held to be in excess of the quota of the Other Backward Class candidates. The learned counsel submitted that the applicant has been selected against the quota of O.B.C. category. It is the contention of the learned counsel that in such circumstances the applicant must have been given pre-intimation and his objections must have been called for. However, without adhering to such procedure the respondents have passed the impugned order.

3. Though the learned counsel has prayed for Interim Relief, it appears to me that unless affidavit in reply of the respondents is received even it may not be possible to consider the request for interim relief. The learned

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O.A. NO. 360/2023

counsel in the circumstances has prayed for allowing the applicant to move the matter before the Vacation Judge or give liberty to the applicant to appear before Vacation Bench. Request made is worth considering.

4. The learned Presenting Officer has sought two weeks' time for filing the affidavit in reply. It is clarified that if it is not possible for the respondents to file any detailed reply by the next date, then they shall at least file short reply so far as the prayer for interim relief is concerned, else the matter will be considered on merit for grant of interim relief. Hence the following order :-

ORDER

1. Issue notice to the respondents in the present Misc. Application, returnable on 11.5.2023.
2. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
3. 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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O.A. NO. 360/2023

4. 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.

5. 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.

6. S.O. to 11.5.2023.

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

VICE CHAIRMAN

ARJ ORAL ORDER 4.5.2023

ORIGINAL APPLICATION ST. NO. 621/2023
(Shri Prashant S. Auti Vs. the state of Maharashtra & Ors.)

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

DATE : 4.5.2023

ORAL ORDER :

Heard Shri V.D. Sapkal, learned senior counsel along with Shri Akshay Karlekar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. In the present matter the office has raised an objection as about the territorial jurisdiction of this Bench of the Tribunal to entertain the present Original Application.

3. Shri V.D. Sapkal, learned Senior Counsel appearing for the applicant submitted that in view of rule 6 of the Maharashtra Administrative Tribunals (Procedure) Rules, 1988, this Tribunal has jurisdiction to entertain the present O.A. The learned Senior Counsel submitted that cause of action for fling the O.A. has arisen within the jurisdiction of this Tribunal since the request of the applicant for correcting his date of birth in the school record has been rejected by the Education Officer (Primary), Zilla Parishad, Latur. The learned Senior Counsel further submitted that since one of the respondent i.e. respondent no. 4 viz. Mukteshwar

Primary Vidya Mandir, Ausa, Dist. Latur is within the jurisdiction of this Tribunal, on that count also this Tribunal has jurisdiction to entertain the present O.A. On query made by the Tribunal whether issuance of any directions to respondent no. 4 would be within jurisdiction of this Tribunal, the learned Senior Counsel submitted that since the direction sought against the respondent no. 4 has nexus with the service of the applicant, it will be within the jurisdiction of the Tribunal to issue directions against respondent no. 4 as are prayed in the O.A. The learned Senior counsel invited my attention to the definition of 'service matters' as provided U/s 3(q) of the Administrative Tribunals Act, 1985.

4. I am, however, not convinced with the submissions as are made by the learned Senior Counsel. Perusal of the Original Application clearly demonstrates that the matter pertains to the correction in the date of birth of the applicant in his service record. The applicant is presently posted at Nashik. The documents filed on record reveal that first request was made by the applicant for correction in his date of birth on 9.8.2001 and at that time he was working as Assistant Executive Engineer at Pune. It is thus apparent that having regard to the subject matter this Tribunal is not having

jurisdiction to entertain the O.A. Further though I am not indulging in making any elaborate discussion, I am afraid, issuance of any directions to respondent No. 4 would fall within the jurisdiction of this Tribunal. Moreover, it is difficult to agree with the submissions made on behalf of the applicant that seeking directions against respondent No. 4 for issuance of fresh corrected leaving certificate in favour of the applicant would fall within the definition of 'service matters'.

5. For all aforesaid reasons, it appears to me that the present O.A. cannot be entertained by this Tribunal and the jurisdiction (territorial) for presenting such application is with the Principal Bench of this Tribunal at Mumbai. In the circumstances, the O.A. is returned to the applicant for presenting it before the Principal Seat of this Tribunal at Mumbai.

VICE CHAIRMAN