

O.A. 676/2017 (S.B.)

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

Dated : 21/09/2022.

None for applicant. Heard Shri A.P. Potnis, Id. P.O. for R-1, Shri H.D. Marathe, Id. Counsel for R-2 and none for other respondents.

2. Shri H.D. Marathe, Id. counsel for R-2 seeks further time. He submits that he has already informed to the Id. counsel for applicant.

3. At the request of Shri H.D. Marathe, Id. Counsel for R-2, **S.O. three weeks.**

Vice Chairman

dnk.

(S.B.)

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

Dated : 21/09/2022.

C.A. 378/2022 in O.A. 299/2022 -

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

At the request of Id. counsel for applicant, **S.O. 04/10/2022.**

Vice Chairman

dnk.

(S.B.)

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

Dated : 21/09/2022.

C.A. 291/2022 in O.A. 576/2022 -

Heard Shri N.R. Saboo, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for respondents. None for Intervener.

At the request of Id. counsel for applicant, **S.O. 12/10/2022.**

Vice Chairman

dnk.

O.A. 944/2022 (S.B.)

(Madhuri M. Madavi Vs. State of Mah. & Ors.)

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

Dated : 21/09/2022.

ORDER

Heard Shri S.N. Gaikwad, Id. counsel for applicant, Shri S.A. Deo, Id. CPO for the State and Shri T.U. Tathod, Id. counsel for Caveator.

2. As per the submission of learned counsel for applicant, the applicant was transferred to Yavatmal in Group-B post on 08/09/2021. Thereafter, she was promoted in Group-A post as per the order dated 18/04/2022. The applicant was not due for transfer. The respondents without following the procedure laid down in the Section 4 (4) and 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act,2005"),the applicant is transferred and therefore the impugned transfer order is illegal and hence prayed to grant stay to the impugned transfer order.

3. Shri T.U. Tathod, Id. counsel appeared suo-motu on behalf of Dadarao Dattatraya Dolharkar who is transferred in place of the applicant. He has also filed Caveat today itself. He has submitted that Dadarao Dattatraya Dolharkar has already joined at Yavatmal on the post of Chief Officer, Municipal Council, Yavatmal and therefore transfer order cannot be stayed.

4. Heard learned CPO for State Shri S.A. Deo. He has submitted that in the impugned transfer order itself it is mentioned that as per the provisions of the Section 4 (4) and 4 (5) of the Transfers Act,2005, the transfer is made on administrative ground. It itself shows that there is a compliance of the Section 4 (4) and 4 (5) of the Transfers Act,2005. The learned CPO has also submitted that there were various complaints against the applicant at the time of earlier posting.

5. Heard Shri S.N. Gaikwad, learned counsel for applicant. He has pointed out the decision of Hon'ble Bombay High Court in the case of **S.B. Bhagwat Vs. State of Maharashtra & Ors., 2012 (3) Mh.L.J., 197.** He has also pointed out the Judgment of Hon'ble Bombay High Court in the case of **Kishor S. Mhaske Vs. Maharashtra OBC Finance & Development Corporation, Mumbai & Ors.,2013 (3) Mh.L.J.,463.**

//2 //

6. The Hon'ble Bombay High Court has held that in mid-term or pre-mature special transfer must be effected by a reasoned order in writing and after the due and prior approval from the Competent Authority concerned, mandatory requirements of the provisions under Section 4 (5) of the Transfers Act, 2005 cannot be ignored or by-passed.
7. Now the Caveator Dadarao Dattatraya Dolharkar has already joined at Yavatmal today itself. The learned counsel for Caveator has filed on record the document, i.e., joining letter. It is marked Exh-X for identification.
8. Learned counsel for applicant Shri S.N. Gaikwad submits that it is ex-parte taking over of the charge. There is no any specific reason in the transfer order.
9. The transfer order itself shows that it is a compliance of the Section 4 (4) and 4 (5) of the Transfers Act,2005. At this stage it cannot be said that there is no compliance. Hence, **Interim relief cannot be granted and it is rejected accordingly.**
10. The respondents / authority may place on record the documents about the compliance of the Section 4 (4) and 4 (5) of the Transfers Act,2005.
11. The applicant is directed to make Caveator as a party / respondent in this O.A. Shri T.U. Tathod, Id. counsel for Caveator is also directed to supply the copies of Caveat, transfer order and joining order to the applicant.
12. Issue notice to the respondents returnable **after three weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.
13. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
14. 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.
15. 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.

//3 //

16. 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.

17. 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.

18. **S.O. after three weeks.**

Steno copy is granted.

Vice Chairman

dnk.

O.A. 927/2017 (S.B.)

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

Dated : 21/09/2022.

Heard Shri Nagdeve, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for respondents.

At the request of Id. P.O., **S.O.**
06/10/2022.

dnk.

Vice Chairman

O.A. 50/2020 (S.B.)

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

Dated : 21/09/2022.

Heard Shri R.V. Shiralkar, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for respondents.

At the request of Id. P.O., **S.O.**
13/10/2022.

dnk.

Vice Chairman

O.A. 616/2019 (S.B.)

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

Dated : 21/09/2022.

Heard Shri S. Pande, Id. counsel for applicant and Shri S.A. Sanis, Id. P.O. for respondents.

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

Vice Chairman

dnk.

(S.B.)

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

Dated : 21/09/2022.

C.A. 55/2020 in O.A. 1045/2019 -

Heard Shri D.R. Rupnarayan, Id. counsel for applicant and Shri A.P. Potnis, Id. P.O. for State.

2. At the request of Id .counsel for applicant, fresh notice on civil application to R-2 to 4 be issued returnable in **four weeks**. The learned P.O. waives notice for State. Hamdast granted.

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 the O.A.

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 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. four weeks.

dnk.

Vice Chairman

O.A. 1064/2019 (S.B.)

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

Dated : 21/09/2022.

Heard Smt. Saboo, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. 435/2020 (S.B.)

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

Dated : 21/09/2022.

Heard Shri R. Joshi, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. 789/2020 (S.B.)

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

Dated : 21/09/2022.

Heard Shri D.R. Rupnarayan, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 &5.

2. The Id. P.O. files reply of R-3. It is taken on record and copy is given to the applicant.

3. The Id. counsel submits that the respondents are served and he will file service affidavit.

S.O. after three weeks.

Vice Chairman

dnk.

O.A. 36/2021 (S.B.)

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

Dated : 21/09/2022.

Heard Shri G.K. Bhusari, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

The Id. P.O. submits that reply is ready and he will file the same within two weeks.

At the request of Id. P.O., **S.O. two weeks** for filing reply.

Vice Chairman

dnk.

O.A. 279/2021 (S.B.)

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

Dated : 21/09/2022.

None for applicant. Heard Shri A.M. Khadatkar, Id. P.O. for respondents.

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

Vice Chairman

dnk.

O.A. 1027/2021 (S.B.)

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

Dated : 21/09/2022.

Heard Shri Motlog, Id. counsel holding for Shri A.C. Dharmadhikari, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. four weeks** for filing reply.

Vice Chairman

dnk.

O.As. 721,722,736 & 752 of 2022 (S.B.)

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

Dated : 21/09/2022.

Heard Shri A.A. Potnis, Id. counsel for applicants and Shri A.M. Ghogre, Id. P.O. for respondents.

2. The Id. counsel for applicant seeks interim relief as similar granted in O.A. 890/2021 as per order dated 27/10/2021.

3. The Id. P.O. has submitted that the order dated 27/10/2021 passed in the O.A. 890/2021 is not complied.

4. The Id. P.O. is directed to get instructions in this regard and file reply till the next date.

5. The matters will be heard finally on the next date.

S.O. 28/9/2022.

Vice Chairman

dnk.

O.A. 744/2022 (S.B.)

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

Dated : 21/09/2022.

None for applicant. Heard Shri A.M. Khadatkar, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. four weeks** for filing reply.

Vice Chairman

dnk.

O.A. 826/2022 (S.B.)

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

Dated : 21/09/2022.

Heard Shri P.N. Warjurkar, Id. counsel
for applicant and Shri A.M. Khadatkar, Id. P.O.
for respondents.

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

Vice Chairman

dnk.

O.A. 918/2022 (S.B.)

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

Dated : 21/09/2022.

C.A. 370/2022 -

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

2. The learned counsel for applicants submitted that the applicants are similarly situated candidates and they have prayed similar relief.

3. Looking to the ground, the C.A. for filing Joint O.A. is allowed and disposed of.

O.A. 918/2022 –

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

2. Issue notice to the respondents returnable **after four weeks**. 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. after four weeks.

Vice Chairman

dnk.

O.A. 1155/2021 (S.B.)

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

Dated : 21/09/2022.

C.As. 376 & 377 of 2022 -

Heard Shri C.A. Babrekar, Id. counsel for applicant and Shri A.P. Potnis, Id. P.O. for State.

2. The Id. counsel Shri C.A. Babrekar submits that he will file vakalatnama.

3. During the pendency of the O.A. the applicant wants to make necessary amendment.

4. Looking to the ground, the C.As. for amendment are allowed. Necessary amendment be carried out within three weeks and amended copies be supplied to the other side.

O.A. 1155/2021 –

S.O. after three weeks.

Vice Chairman

dnk.

C.A. 137/2020 in St. 66/2020 (S.B.)

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

Dated : 21/09/2022.

Heard Shri S.D. Shukla, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O .for respondents.

At the request of Id. counsel for applicant, **S.O. 12/10/2022.**

Vice Chairman

dnk.

O.A.St.1781/2022 (S.B.)

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

Dated : 21/09/2022.

C.A. 312/2022 -

Heard Shri J.S. Wankhede, Id. counsel for applicant and Shri A.P. Potnis, Id. P.O. for State.

2. Notice on civil application to the respondents be issued returnable after **four weeks**. The learned P.O. waives notice for State. Hamdast granted.

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 the O.A.

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 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. after four weeks.

Vice Chairman

dnk.

O.A. 900/2022 (S.B.)

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

Dated : 21/09/2022.

Heard Shri S.P. Palshikar, Id. counsel for applicant, Shri A.M. Ghogre, Id. P.O .for R-1 and Shri N.R. Saboo, Id. counsel for R-2.

The Id. P.O. is directed to place on record relevant documents.

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

Vice Chairman

dnk.

O.A. 294/2018 (S.B.)

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

Dated : 21/09/2022.

Heard Shri P.V. Thakre, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

At the request of Id. P.O., **S.O.**
06/10/2022.

dnk.

Vice Chairman

O.A. 482/2020 (S.B.)

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

Dated : 21/09/2022.

Heard Shri S.N. Gaikwad, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

2. The Id. counsel for applicant submits that he has to take instructions as to whether the applicant is relieved to join at transferred place.

S.O. 7/10/2022.

Vice Chairman

dnk.

O.A. 493/2020 (S.B.)

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

Dated : 21/09/2022.

Heard Shri S.N. Gaikwad, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

At the request of Id. P.O., **S.O.**
07/10/2022.

dnk.

Vice Chairman

O.A. 683/2021 (S.B.)

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

Dated : 21/09/2022.

Heard Shri S.N. Gaikwad, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

At the request of Id. P.O., **S.O.**
07/10/2022.

dnk.

Vice Chairman

O.A. 542/2022 (S.B.)

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

Dated : 21/09/2022.

Heard Jyoti B. Lihare, Id. counsel holding for Shri A.P. Sadarvarte, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

At the request of Id. counsel for applicant, **S.O. after four weeks.**

Vice Chairman

dnk.

*

O.A.No.197/2020 (D.B.)

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

Dated : 21/09/2022.

Heard Ms. J.Lilare holding for Shri A.P.Sadavarte, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. two weeks to file reply.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.265/2020 (D.B.)

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

Dated : 21/09/2022.

Heard Shri A.Motlog holding for Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. two weeks to file reply.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.124/2021 (D.B.)

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

Dated : 21/09/2022.

Heard Shri R.M.Meshram holding for Shri P.D.Meghe, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

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

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.127/2021 (D.B.)

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

Dated : 21/09/2022.

Heard Shri P.V.Thakre, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents. Await service of R-2 to 4.

2. Ld. counsel for the applicant states that he has filed service affidavit. At the request of ld. P.O.,
S.O. two weeks to file reply.

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.672/2021 (D.B.)

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

Dated : 21/09/2022.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 30.09.2022 to file reply.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.702/2022 (D.B.)

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

Dated : 21/09/2022.

Heard Shri N.S.Warulkar, ld. Counsel for the applicant, Shri S.A.Sainis, ld. P.O. for the respondents and Shri P.V.Thakre holding for Smt. M.P.Munshi, ld. counsel for the R-2. None for the R-3 & 4.

2. At the request of ld. P.O., **S.O. two weeks to file reply.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.32/2016 (D.B.)

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

Dated : 21/09/2022.

Heard Shri M.D.Ramteke, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. two weeks to file reply.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.763/2020 (D.B.)

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

Dated : 21/09/2022.

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 30.09.2022.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.565/2022 (D.B.)

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

Dated : 21/09/2022.

Heard Shri S.S.Dhengale, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents. None for the R-4 to 6.

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

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.925/2019 (D.B.)

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

Dated : 21/09/2022.

None for the applicant. Shri A.M.Ghogre, Id.
P.O. for the State. Await service of R-2 to 6.

2. S.O. four weeks to file service affidavit.

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.944/2019 (D.B.)

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

Dated : 21/09/2022.

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

2. At the request of ld. P.O., **S.O. two weeks to file reply.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.947/2019 (D.B.)

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

Dated : 21/09/2022.

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

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

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.1025/2019 (D.B.)

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

Dated : 21/09/2022.

Heard Shri S.M.Khan, 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. one week to file reply.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.189/2020 (D.B.)

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

Dated : 21/09/2022.

Heard Shri S.N.Gaikwad holding for Shri V.B.Gawali, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents. Await service of R-3 to 8.

2. At the request of ld. counsel for the applicant, **S.O. two weeks to file service affidavit.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.78/2021 (D.B.)

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

Dated : 21/09/2022.

C.A.Nos.222, 223 & 224/2022:-

Heard Shri S.R.Dambhare, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents. None for the R-6.

2. **C.A. No. 222 & 223/2022 is allowed and disposed of.**

3. **C.A. No. 224/2022 for amendment is allowed and disposed of.** The ld. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the same to the other side.

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

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.113/2021 (D.B.)

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

Dated : 21/09/2022.

None for the applicant. Shri H.K.Pande, Id.
P.O. for the respondents.

2. The Id. 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.

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

4. The Id. P.O. waives notice for the
respondents.

5. **S.O. in due course.**

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

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.919/2022 (D.B.)

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

Dated : 21/09/2022.

(B.M.Patil Vs. State of Maharashtra & 2 Ors.)

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and
Shri A.P.Potnis, ld. P.O. for the State.

2. On behalf of the applicant attention is invited to following facts:-

A. The impugned chargesheet (A-1) was issued on 25.04.2015.

B. The enquiry officer was appointed by order dated 09.07.2015.

C. The applicant retired on superannuation on 31.05.2016.

D. The first date given in the enquiry to the applicant was 14.08.2019.

3. It is the contention of the applicant that the authority who issued the chargesheet was not competent to do so and objection regarding the same was raised by the applicant by communication dated 02.09.2022 (A-8).

4. Further contention of the applicant is that bar of Rule 27 (2) (b) of Maharashtra Civil Services (Pension) Rules, 1982 may also be attracted in this case.

5. On all these grounds the applicant prays for grant of Interim Relief as follows:-

“Interim Relief:-

During the pendency of the original application applicant prays for following interim relief:-

i) that this Hon’ble Tribunal be pleased stay all further proceeding of Departmental Enquiry No. 335/2019 pending before the respondent no. 3, during the pendency of the original application.”

6. In reply it is submitted by ld. P.O. that the matter has come up today for the first time and hence only notice be issued.

7. After considering the facts to which our attention is invited by the ld. counsel for the applicant we have come to the conclusion that case is made out for grant of Interim Relief as prayed. Interim Relief is granted in terms of prayer clause (i) in para no. 9 of the O.A. Till returnable date.

8. The applicant has filed copy of order dated 17.02.1986 regarding his initial appointment. It is taken on record. Copy is served to the other side. It is marked ‘X’ for the purpose of identification.

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

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

11. 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.

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

13. The service may be done by Hand delivery, speed post, courier and 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.

14. 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.

15. **S.O. four weeks.**

16. **Steno copy is granted.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

C.P.No.56/2022 in O.A.No.46/2021 (D.B.)

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

Dated : 21/09/2022.

Shri P.V.Washimkar, applicant in person and
Shri H.K.Pande, ld. P.O. for the respondents.

2. Ld. P.O. has placed on record copy of order dated 16.09.2022 passed by the Hon'ble High Court, Bombay in W.P. No. 4649/2022. It is marked Exh. 'X' for the purpose of identification. It is kept on record. Copy is served to the other side.

3. In view of the said order, **S.O. 17.10.2022.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.720/2018 (D.B.)

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

Dated : 21/09/2022.

Heard Shri P.S.Verma, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. Ld. P.O. has pointed out that by order dated 05.07.2022 it was observed that Caste Validity certificate was not filed on record and the applicant was to file the same on record.

3. Ld. counsel for the applicant has submitted that he has cleared all the tests and his name appears at Sr. No. 1 in wait list. He has invited out attention to order dated 13.08.2016. In para no. 12 of said order it is mentioned:-

“नियुक्त आदेश प्राप्त झाल्यानंतर आपण नियुक्ती आदेशाच्या दिनांकापासून ६ महिन्यांचे आत आपल्या जात प्रमाणपत्राची वैधता संबंधित जात पडताळणी समितीकडून करून घेणे आवश्यक राहिल. आपण नियुक्ती स्विकारताच जात वैधता तपासणी करण्यासाठी प्रस्ताव संबंधित जात पडताळणी समितीकडे सादर करावा व जात पडताळणी समितीने दिलेल्या पोहच पावीतीची साक्षांकित प्रत या कार्यालयास सादर करावी. मा. उच्च न्यायालयाने दिलेल्या निर्देशानुसार संबंधित जात पडताळणी समितीने उमेदवारांचे जात पडताळणीचे प्रस्ताव ६ महिन्यांचे आत निकाली काढावेत. जात पडताळणी समितीने आपले जात प्रमाणपत्र अवैध ठरविले तर तुम्हांस दिलेले नियुक्ती आदेश त्वरित रद्द करण्यात येतील व तुमच्या विरुद्ध अनुसूचित जाती, अनुसूचित जमाती, विमुक्त जाती, भटक्या जमाती, इतर मागास व विशेष मागास प्रवर्ग (जातीचे प्रमाणपत्र व त्यांच्या पडताळणीचे विनियमन)

अधिनियम २००० यातील तरतूदीनुसार तुमच्या विरुद्ध त्वरीत कार्यवाही करण्यात येईल.”

In view of aforequoted para, the matter can be heard finally. Ld. P.O. seeks time of one week to argue the same finally. It be kept for final hearing, **S.O. 28.09.2022.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.319/2015withC.A.No.323/2015 (D.B.)

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

Dated : 21/09/2022.

Shri M.D.Ramteke, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. None for the R-3.

2. Respondent no. 3 has filed C.A. No. 323/2015 for dismissal of the O.A. on the ground of limitation. Today no-one is present for respondent no. 3.

3. **S.O. two weeks.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.Nos.105,106&107/2019 (D.B.)

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

Dated : 21/09/2022.

Shri P.D.Meghe, ld. counsel for the applicant
and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The ld. counsel for the applicant submits
that matter was heard extensively on 13.07.2022,
thereafter on 11.08.2022 pursis was filed and on the
same day copy of pursis was supplied to ld. P.O..

3. **S.O. 26.09.2022 for final hearing.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.221/2018 (D.B.)

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

Dated : 21/09/2022.

Heard Shri P.S.Gawai, 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. 12.10.2022.**

Member(J)

Date:-21/09/2022.

aps.

Vice Chairman

O.A.Nos.906&907/2019 (D.B.)

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

Dated : 21/09/2022.

Heard Shri Bharat Kulkarni, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents. None for the R-4 to 6.

2. At the request of Id. P.O., **S.O. 28.09.2022 for final hearing.**

3. **No further adjournment will be granted on next hearing.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman

O.A.No.291/2021 (D.B.)

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

Dated : 21/09/2022.

Heard Shri G.I.Dipwani, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. Closed for orders.

**Member(J)
Date:-21/09/2022.
aps.**

Vice Chairman

O.A.No.352/2021 (D.B.)

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

Dated : 21/09/2022.

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

2. **Closed for orders.**

Member(J)
Date:-21/09/2022.
aps.

Vice Chairman