

O.A. 802/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

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

2. As pointed out by the Id. counsel, in the O.A. on page no.7 the relief clause no.10 (a) is for release of pensionary benefits and relief clause no. 10 (b) is for appointment on compassionate ground. Both reliefs cannot be asked in the same. O.A.

3. Hence, the learned counsel desires to delete the relief clause no. 10 (b) by way of amendment. She is directed to make necessary amendment and amended copy be supplied to the Id. P.O.

4. The Id. counsel is at liberty file separate O.A. for relief clause no.10 (b).

S.O. one week.

Vice-Chairman

dnk.

O.A. 175/2021 (S.B.)

(Sanjay N. Ukey Vs. State of Mah. & ors.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri V. Dahat, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The applicant was appointed as Agriculture Supervisor on 11/7/1983 and was initially posted at Sakoli, District Bhandara. Thereafter the applicant was promoted as Agriculture Officer on 19/10/1983 and he was posted at Dharmabad, Dist. Nanded. The applicant was lastly posted at Chimur, Dist. Chandrapur and he retired in the month of April,2018. As submitted by the Id. counsel, the applicant has not been granted retiral benefits till now. As per O.A. on page no.2 the applicant was lastly posted at Chimur, Dist. Chandrapur and he retired in the month of April,2018 from there only.

3. As pointed out by the Id. P.O, the Chimur office is not made party as respondent in the O.A. from which office the applicant retired on superannuation in the month of April,2018 and therefore it is necessary to make party the Chimur Office as respondent in the O.A.

4. The Id. counsel is not ready to make party the Chimur office as respondent in the O.A. which is necessary, therefore, the O.A. cannot be maintained. Hence, the O.A. is dismissed. No order as to costs.

Vice-Chairman

dnk.

O.A. 392/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri A.P. Adhe, Id .counsel holding for Shri M.R. Johrapurkar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 395/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri A.P. Adhe, Id .counsel holding for Shri M.R. Johrapurkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 493/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

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

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

Vice-Chairman

dnk.

O.A. 501/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri D.R. Rupnarayan, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The Id. P.O. files reply of R-2. It is taken on record. Copy is served to the other side.

The matter is admitted and kept for final hearing.

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

S.O. 04/10/2021.

Vice-Chairman

dnk.

O.A. 522/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri J.H. Aloni, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1,4&5 and none for other respondents.

At the request of Id. P.O., **S.O.**
29/09/2021 for filing reply.

Vice-Chairman

dnk.

O.A. 527/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri B.B. Pantawane, Id. counsel
for the applicant and Shri P.N. Warjurkar, Id.
P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 618/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

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

At the request of Id. P.O., **S.O. 27/9/2021**
for filing reply.

Vice-Chairman

dnk.

O.A. 756/2021 (S.B.)

(Mrs. Rohan K. Thaware & one ano. Vs. State of Mah. & ors.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

C.A. 273/2021 -

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

2. This is the joint application of applicant no.1 i.e. Mr. Rohan Kishore Thaware and his wife applicant no.2. i.e. Mrs. Harsha Keshavrao Vidhate who were transferred by order dated 9/8/2021 (A-1,P-24) . The matter was heard on 1/9/2021 in the court room of this Tribunal and in para2 transfer of applicant no.1 Mr. Rohan Kishore Thaware was stayed till filing of reply in para-3 of the order. Today the Id. counsel has filed C.A. 273/2021 along with he has attached letter dated 1/9/2021 (A-B,P-9) by the Collector, Nagpur in which it is mentioned in para-2 that Shri Rohan K. Thaware was relieved on 1/9/2021 A.N. However. It is brought to the notice of concerned that the matter was heard in the forenoon on 1/9/2021 and order was passed. As submitted by the Id. counsel, the proposal to relieve Mr. Rohan K. Thaware was moved to the Collector on 1/9/2021, but approval of Collector was taken on 3/9/2021 as per Note sheet on page no.10. When approval was done on 3/9/2021 how letter was dispatched on 1/9/2021. It appears to be false.

3. So far as the applicant no.2, Mrs. Harsha Keshavrao Vidhate is concerned, the learned counsel in the O.A. on page no.8 had mentioned that the applicant was relieved, however, no officer has joined at her place. A copy of order relieving the applicant no.2 is filed at Annex-A/VII. In para-2 of the order dated 1/9/2021 it has been mentioned that as per the Govt. policy vide G.R. dated 9/4/2018 wherein it has been clearly mentioned that as far as possible husband and wife should be posted at the same place and in para-3 respondents were directed not to force the applicant no.2 i.e. Mrs. Harsha Keshavrao Vidhate to join at Nanded. It was further observed that the post from where she has been handed over the charge, but nobody has joined till now, they should not post till filing of reply. Along with C.A. the Id .counsel has filed letter dated 3rd September,2021 (A-C,P-11) by

office of respondent no.3 and forcing applicant no.2 Mrs. Harsha Keshavrao Vidhate to join at Nanded which is against the order.

4. In the meanwhile Id. counsel is directed to make Collector, Nagpur also as one of the respondents. The Id. counsel submits that he will remove all the objections during the course of day. After amendment, amended copy of O.A. be supplied to Id. P.O..

5. **Till next date of hearing all the parties are directed to act according to the order dated 1/9/2021 related to the applicant nos.1&2.**

6. After amendment issue notice to the respondents on C.A. and newly added respondent returnable **after two weeks**. Learned P.O. waives notice for State.. Hamdast allowed.

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

8. 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.

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 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.

11. 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 two weeks.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 782/2021 (S.B.)

(Dr. Mahesh S. Manwar Vs. State of Mah.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

C.A. 286/2021 -

Heard Shri R.M. Fating, Id. counsel for the applicant, Shri S.A. Deo, Id. C.P.O. for R-1 to 3 and Shri N.D. Thombre, Id. counsel for R-4.

2. The Id. counsel for R-4 has filed C.A. and on page no.8 of C.A., the prayer is as follows –

“ It is therefore most respectfully prayed that this Hon’ble Tribunal may kindly be pleased to vacate the interim order in terms of status quo or to modify the same in the larger interest of justice along with any other relief which this Hon’ble Tribunal deems fit and proper in the circumstances be granted.”

3. The Id. counsel for R-4 has filed reply on C.A. It is taken on record and copies are supplied to the other sides.

4. The Id. CPO has produced correspondence dated 7th September, 2021 which is marked Exh.X. As per this letter, it is cleared that the Govt. has clarified in para-5 and confirmed the suspension order of applicant

dated 4/2/2021 issued by the CEO, Z.P., Yavatmal (A-8,P-34) of the O.A. and further the Government has also directed to start the D.E. as per the D.E. Manual 1991 Section 4 and 4.2 against the applicant Dr.Mahesh Manwar. So admittedly the suspension order of applicant is cleared by the Govt. of Maharashtra. However, transfer dated 24/8/2021 (A-15,P-44) where the applicant's name appears at Sr.No.27 needs to be clarified by Id. CPO.

5. In view of discussion in above para, the status-quo granted in order dated 3/9/2021 regarding respondent no.4 of order dated 30/8/2021 (A-1,P- 20) is vacated. The Id. CPO is directed to take instructions regarding transfer order of applicant within two weeks.

6. The C.A. No. 286/2021 is allowed and disposed off. No order as to costs.

O.A. 782/2021 –

S.O. two weeks for filing reply.

Vice-Chairman

dnk.

O.A. 608/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri M.I. Dhattrak, Id. counsel for R-3.

The Id. P.O. files reply of R-2. It is taken on record. Copies are served to the other sides.

The matter is admitted and kept for final hearing.

The Id. P.O. waives notice for R-1&2.

S.O. 08/10/2021.

Vice-Chairman

dnk.

O.A. 771/2021 (S.B.)

(S.B. Zade Vs. State of Mah. & Ors.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

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

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

Vice-Chairman

dnk.

O.A. 827/2021 (S.B.)

(B.D. Shelke Vs. State of Mah. & Ors.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

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

2. As submitted by the Id .counsel, the applicant has submitted representation dated 9/8/2021 (A-7,P-31&32) which is pending with the respondents. The respondents are directed to decide the applicant's representation dated 9/8/2021 (A-7,P-31&32) within two months from the date of receipt of this order.

3. In view thereof, the O.A. stands disposed off. No order as to costs.

Vice-Chairman

dnk.

O.A. 828/2021 (S.B.)

(S.N. Tongse Vs. State of Mah. & Ors.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

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

2. The applicant was working on the post of Agriculture Supervisor with the respondent no.5 and he retired on superannuation on 31/3/2021. As per order dated 13/2/2008 (A-2,P-26 to 30) the applicant was granted two advance increments and applicant's name appears at Sr.No.51. The applicant is aggrieved with the order dated 9/8/2021 (A-3,P-31) issued by the Taluka Agriculture Officer, Nagpur (R/5) by which recovery of Rs.6,12,115/- has been made against the applicant. It appears that the said order is passed without giving opportunity of hearing to the applicant. In this situation, the **order of recovery dated 9/8/2021 (A-3,P-31) is stayed till filing of reply by the respondents.**

3. Issue notice to the respondents returnable **after four weeks.** Learned C.P.O. waives notice for State. Hamdast allowed.

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

5. 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.

6. 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.

7. 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.

8. 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.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 831/2021 (S.B.)

(A.P. Deulkar Vs. State of Mah. & Ors.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. The applicant has been transferred vide order dated 9/8/2021 (A-1,P-10 to 27) from Achalpur to Ratnagiri and his name appears at Sr.No.89 on page no.15. The applicant has three personal problems (1) his child is suffering from mental problem (2) his daughter is studying in 12th Standard and (3) his wife is serving in Amravati. Admittedly, the applicant has completed his normal tenure at Achalpur and now he has been transferred to Ratnagiri where he has already joined vide order dated 9/8/2021 (A-1,P-10 to 27) . The applicant has submitted three choices for transfer and as per para-6.3 on page no.3 of the O.A. he has mentioned three choices (1) Government Polytechnic College, Murtizpur (2) Government Polytechnic College, Amravati & (3) Government Polytechnic College, Arvi. The Id. counsel further submitted that the third choice post at Arvi is still vacant. The Id. counsel has relied on G.R. dated 27/11/1997 (A-7,P-35 to 38) and mainly relied on para—11 of the G.R. which is reproduced as under –

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3. In this situation, the respondents are directed to consider the applicant's problems and take decision as per provision in para-11 of the G.R. dated 27/11/1997 (A-7,P-35 to 38) and as per his choice post which is still vacant before filing reply by the respondents.
4. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 833/2021 (S.B.)

(B.M. Upare Vs. State of Mah. & Ors.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

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

2. As submitted by the learned counsel, the applicant has some problems and he has submitted representation dated 10/03/2021 (A-1,P-9 &10) to the respondent no.2.

3. The respondent no.2 is directed to consider the applicant's representation dated 10/03/2021 (A-1,P-9 &10) in view of his personal problems within two months from the date of receipt of this order.

4. In view thereof, the O.A. stands disposed off. No order as to costs.

Vice-Chairman

dnk.

O.A. 847/2021 (S.B.)

(S.T. Tikhe Vs. State of Mah. & Ors.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

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

2. The applicant was working as Water Conservation Officer in the Minor Irrigation Sub Division at Wadasa, Dist. Gadchiroli. Vide order dated 30/6/2021 (A-2,P-11) the applicant was promoted and posted from Wadsa, Dist. Gadchiroli to Kurkheda, Dist. Gadchiroli as Sub Divisional Officer and his name appears at Sr.No.71 on page no.24. Subsequently, vide order dated 30/7/2021 (A-1,P-6) applicant was transferred in the same capacity to Zilla Parishad, Irrigation sub division, Aheri, Dist. Gadchiroli and his name appears at Sr.No.8. As per O.A. on page no.1 the applicant has completed 57 years of age and he is due for retirement within one year. There are various Judgments by the various Courts in this regard and as per Government policy and as per provisions in Section 5 (1) (a) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005") if any employee is going to retire within one year, he/she should be retained either at that place or posted at his/her home town. It appears that the applicant was promoted and posted from Wadsa, Dist. Gadchiroli to Kurkheda, Dist. Gadchiroli, that was as per the Transfers Act,2005 and justice was done to applicant, but within one month vide order dated 30/7/2021 (A-1,P-6) he was transferred and posted in the same capacity to Zilla Parishad, Irrigation sub division, Aheri, Dist. Gadchiroli which is injustice to the applicant.

3. As submitted by the applicant as per order dated 30/7/2021 (A-1,P-6) he was relieved on 31/8/2021 and as obedient servant he followed the order and joined at Aheri. But aggrieved with this impugned order, he has approached to this Tribunal.

4. In view of this situation, **the respondents are directed not to fill the post at Kurkheda till outcome of the O.A. However, they are liberty to implement the order dated 30/6/2021 (A-2,P-11).**
5. The applicant is directed to make CEO, Zilla Parishad, Gadchiroli as respondent in the O.A.
6. After amendment, issue notice to the newly added respondent returnable on **13/10/2021**. Learned C.P.O. waives notice for State. Hamdast allowed.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. 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.
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 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.
11. 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. 13/10/2021

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 308/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

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

With the consent of Id .counsel for both the parties, **S.O. 4/10/2021** (high on board).

Vice-Chairman

dnk.

O.A. 667/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri T. Mandlekar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

With the consent of Id .counsel for both the parties, **S.O. 4/10/2021.**

Vice-Chairman

dnk.

O.A. 253/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

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

With the consent of Id .counsel for both the parties, **S.O. 8/10/2021 (PH).**

Vice-Chairman

dnk.

O.A. 581/2019 with C.A. 150/2021 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri N.W. Almelkar, Id. counsel
for the applicant and Shri A.P. Potnis, Id. P.O.
for the respondents.

With the consent of Id .counsel for both
the parties, **S.O. 27/09/2021.**

Vice-Chairman

dnk.

O.A. 49/2020 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri D.M. Surjuse, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

With the consent of Id .counsel for both the parties, **S.O. 29/09/2021.**

Vice-Chairman

dnk.

(S.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

**O.A. Nos. 545, 546,547,548,549,550,551,578 &
579 of 2020**

Heard Shri R.V. Shiralkar, Id. counsel
for the applicants and Shri A.M. Ghogre, Id. P.O.
and other Id. P.Os. for the respondents.

With the consent of Id .counsel for both
the parties, **S.O. 24/09/2021.**

Vice-Chairman

*dnk.

O.A.No.94/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

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

2. At the request of Id. P.O., **S.O. 29.09.2021 to file reply.**

Vice Chairman

Date:-22/09/2021.
aps.

O.A.No.700/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

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

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

Vice Chairman

Date:-22/09/2021.
aps.

O.A.No.33/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/2021.

C.A.No.12/2021:-

Heard Ms. Rashmi N. Gaikwad holding for Shri S.I.Khan, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondents and Shri G.G.Bade, the Id. counsel for the Caveator.

2. The Id. counsel for the applicant has filed **C.A. No. 12/2021 for Jt. O.A..** However, as submitted by Id. P.O. in the relief clause it appears that other persons were also promoted while order dated 28.12.2020; those persons were not made respondents in the O.A.. The Id. counsel for the applicant is directed to make them party respondents. Further Id. P.O. pointed out in relief clause in para no. 1 that petitioner nos. 1 & 2 have already filed O.A. No. 893/2018 and they are again applicants in the O.A. No. 33/2021. The Id. counsel for the applicant is directed to either withdraw the O.A. No. 893/2018 or delete the name of applicant nos. 1 & 2 from that O.A. No. 33/2021 because these two applicants cannot file two O.As. for the same relief.

3. **S.O. four weeks.**

Vice Chairman

Date:-22/09/2021.

aps.

O.A.No.53/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 13.10.2021 to file reply.**

Vice Chairman

Date:-22/09/2021.
aps.

O.A.No.164/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. The Id. counsel for the applicant submits that he has already submitted the service affidavit in office on 15.04.2021. Office is directed to ensure the same.

3. At the request of Id. P.O., **S.O. two weeks to file reply.**

Vice Chairman

Date:-22/09/2021.

aps.

O.A.No.226/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

Heard Ms. M.Kadav, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. At the request of Id. counsel for the applicant, Issue fresh notice to Respondents, returnable on six weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

8. **S.O. six weeks.**

Vice Chairman

Date:-22/09/2021.

aps.

O.A.No.424/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

Heard Smt. Saboo, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondents and Shri B.Z.Kolode, the Id. counsel for the respondent no. 3.

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

Vice Chairman

Date:-22/09/2021.
aps.

O.A.No.470/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

Heard Shri V.K.Paliwal, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-22/09/2021.

aps.

O.A.No.510/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

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

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

Vice Chairman

Date:-22/09/2021.
aps.

O.A.No.512/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

None for the applicant. Shri V.A.Kulkarni, the
Id. P.O. for the respondents.

2. The Id. P.O. submits that he has received
parawise reply. He further submits that he will file it
within two weeks, **S.O. two weeks to file reply.**

Vice Chairman

Date:-22/09/2021.

aps.

O.A.No.616/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

Heard Shri A.P.Chaware, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-22/09/2021.
aps.

O.A.No.679/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

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

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

Vice Chairman

Date:-22/09/2021.
aps.

O.A.No.742/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

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

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

Vice Chairman

Date:-22/09/2021.
aps.

O.A.No.523/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/2021.

C.A.Nos.291,292,293&294/2021:-

Heard Shri R.V.Shiralkar holding for Shri V.Dongre, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents and Shri S.P.Palshikar, the Id. counsel for the Intervenor.

2. The Id. counsel for the applicant have filed two C.As., one is C.A. No. 291/2021 in which there are two intervenors and second is C.A. No. 292/2021 in which there are four intervenors. So, there are total six intervenors. The Id. counsel for the applicant have also filed C.A. Nos. 293 & 294/2021 for vacation of stay as per order dated 27.08.2021 in para no. 5. Further Id. counsel for the applicant submits that he desires to file reply, matter may be taken up on 29.09.2021 after his reply. All these C.As. will be heard at next hearing. The Id. counsel for the applicant is directed to supply the copy of reply in advance to the intervenor and Id. P.O. too.

3. **S.O. 29.09.2021.**

4. *Put up this matter along with O.A. Nos. 524/2021 and 525/2021.*

Vice Chairman

Date:-22/09/2021.
aps.

O.A.Nos.524&525/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

Heard Shri R.V.Shiralkar holding for Shri V.Dongre, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. **S.O. 29.09.2021.**

3. *Put up this matter along with O.A. No. 523/2021.*

Vice Chairman

Date:-22/09/2021.
aps.

O.A.No.723/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

Heard Shri S.S.Sharma, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

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

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

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

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

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

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

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

Vice Chairman

Date:-22/09/2021.

aps.

O.A.No.612/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 22/09/ 2021.

Heard Shri P.S.Sahare, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents. None for the respondent no. 3.

2. The Id. P.O. has produced letter dated 15.09.2021 by Director, Medical Education and Research, Mumbai. It is marked Exh. 'X' for the purpose of identification. It is taken on record and copy is served to the other side.

3. The order of this Tribunal dated 25.08.2021 has been complied and respondents have decided the application of applicant dated 09.08.2016 and decision has been communicated to the applicant.

4. **Put up this matter before regular D.B. i.e. 01.10.2021.**

Vice Chairman

Date:-22/09/2021.
aps.

O.A. 845/2021 (S.B.)

(Ganesh.S. Ubrande Vs. State of Mah. & Ors.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 22/09/2021.

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. As submitted by the Id. counsel, the applicant was admitted in the Hospital on 19/08/2021 and he was discharged on 22/08/2021 (A-12,P-60). He has problem of heart decease and for that angioplasty was done. The applicant's brother is mentally ill and for that the learned counsel has placed disability certificate dated 23/01/2020 (A-13,P-62). The applicant was transferred vide order dated 9/8/2021 (A-3,P-24) and vide order dated 17/08/2021 (A-4,P-26) detailed posting was given and the applicant was posted from Kini Naik Bit, Buldana Forest Range to Shemba Bit, Palaskundi Circle, Sonala Range, Akot wild life forest division range. The applicant has submitted representation to the respondent no.3 vide letter dated 17/8/2021 (A-11,P-58) stating his personal problems. As submitted by the learned counsel, nobody is posted in place of applicant till now. As per correspondence dated 17/8/2021(A-10,P-57) an additional charge of applicant's post has been given to somebody else by the respondent no.4. The learned counsel has relied on G.R. dated 9/4/2018 (A-5,P-27 to 48) and specifically provision contained in Annex-1 in para-6 on page no.41.

3. In this situation, **the respondent no.3 is directed to consider the applicant's representation dated 17/8/2021 (A-11,P-58) as per provision in G.R. dated 9/4/2018 (A-5,P-27 to 48) in para-6 on page no.41.**

4. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

S.O. after four weeks.

Steno copy is granted.

Vice-Chairman

dnk.