(G.C.P.) J 2959 (A) (50,000–3-2017)

[Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	<u>O.A.393/2023</u> (From A'bad Bench through Video Conferencing)	
	Shri S.G. Wadge Applicant Vs.	
	The State of Mah. & ors Respondents	
	1. Heard Shri K.G. Salunke, learned Advocate for the Applicant and Shri Milind Mahajan, learned Presenting Officer for Respondents through Video Conferencing.	
	2. The Applicant is serving as Electrician at Government Polytechnic, Aurangabad and transferred by order dated 29.06.2023 to Government Polytechnic, Ambad on vacant post.	
	3. The learned Advocate for the Applicant prayed for interim relief <i>inter-alia</i> contending that Applicant's options were not considered.	
	4. Admittedly, Applicant has completed normal tenure and was due for transfer in general transfers of 2023. Whether Applicant has given full options in terms of Government policy and there is breach of any such policy is the issue to be decided on merit. Indeed, though Applicant was required to	
	give 10 options, he has given 3 options only, out of which, 2 options are from Aurangabad itself where he has already completed 3 years. He has only given one option of Nanded other than Aurangabad. Needless to mention, Government servant cannot claim particular place as his indefeasible right on transfer. As such, I am not inclined to grant interim relief.	
	5. Issue notice to the Respondents made returnable on 14 th June, 2023.	
	6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.	

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	7. Applicant is authorized and directed to serv on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complet paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal a the stage of admission hearing.	
	8. This intimation/notice is ordered under Rul 11 of the Maharashtra Administrative Tribuna (Procedure) Rules, 1988 and the questions such a limitation and alternate remedy are kept open.	
	9. In case notice is not collected within <u>seven</u> day or service report on affidavit is not filed <u>three</u> day before returnable date, the O.A. shall be placed of board before the concerned Benches under the caption " <u>for Dismissal</u> " and thereafter on the subsequent date the O.A. shall stand dismissed.	
	10. The service may be done by Han Delivery/Speed Post/Courier and acknowledgement be obtained and produced along with affidavit compliance in the Registry within one wee Applicant is directed to file Affidavit of compliant and notice.	
	11. S.O. to 14 th June, 2023.	
	Sd/- (A.P. Kurhekar)	
	01.06.2023 (skw)	

M.A./R.A./C.A. No.

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	Date: 01.06.2023 M.A. No.363 of 2023 in O.A. No.623 of 2023 (Division Bench matter placed before Single Bench in Vacation)	
	Dr. V.N. Dekate & 6 OrsApplicant Versus The State of Maharashtra & OrsRespondents.	
	 Heard Shri Abhijeet A. Desai, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. By this M.A., the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the M.A., leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court fees, if not already paid. MA disposed off accordingly. 	
	(A.P. Kurhekar) Member (J)	
	NMN	

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No.

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date: 01.06.2023		
	O.A. No.623 of 2023 (Division Bench matter placed before Single Bench in Vacation)		
	Dr. V.N. Dekate & 6 Ors. Versus	Applicant	
	The State of Maharashtra & Ors.	Respondents.	
	 Heard Shri Abhijeet A. Desain the Applicant and Smt. K.S. Gaikway Officer for the Respondents. 		
	2. The Applicants are working in the cadre of M Officer and filed the present O.A. for continual service till they attain age of 60 years in v amendment to Rule 10 of M.C.S. (Pension) Rules, 1 notification dated 23.02.2022. The Applicants are age bracket of 58 to 60 years and none of ther completed 60 years of age.		
	3. Shri A.A. Desai, learned Adve contends that in view of amendmen (Pension) Rules, 1982 by notification Applicants are entitled to extension However, Respondents are in proc the end of 31.05.2023 in view amendment to Rule 10 of M.C.S. (According to him once the Applica years they deemed to have been ge 60 years by virtue of notification of this line of submission he prayed for behalf he placed reliance on the or passed by Hon'ble High Court, N <i>Petition No.3349/2023 (Shri Anil J.</i> <i>Maharashtra & Ors.)</i> in which in granted in similar situation.	nt to Rule 10 of M.C.S. dated 23.02.2023 the of age upto 60 years. ess to retire them by of last proviso of Pension) Rules, 1982. ants have crossed 58 ranted extension upto lated 23.02.2022. On interim relief. In this der dated 26.05.2023 agpur Bench in <i>Writ</i> <i>Rudey v/s. State of</i>	
	4. Learned P.O. opposed inter time to take instruction and to file A further submits that in view of last extension of age is not available afte	Affidavit-in-Reply. She proviso the benefit of	
	5. <i>Prime-facie</i> , perusal of amer M.C.S. (Pension) Rules, 1982 reve Medical Officer amongst others is ex	eals that the age of	

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders

years and they shall retire from services on the afternoon on the last date of the month in which he attainted age of 60 years. True, as per last proviso amendment shall be inforce till 31.05.2023. Thus last proviso is much debatable. *Prima-facie* once the Applicants crossed age of 58 years they seems to be entitled to extension of age upto 60 years. Admittedly till date the Applicants are in service. Hon'ble High Court, Nagpur Bench granted interim relief to the Medical Officer and the Applicants are also *primafacie* similarly situated persons.

6. In view of above, Respondents are directed to continue the services of the Applicants if they have not crossed 60 years of age and interim relief will be in-force till 08.06.2023.

7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

8. Issue notice before admission returnable on 08.06.2023.

9. 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 O.A. Private service is allowed. Respondents are put to notice that the case may 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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

14. Matter be placed before Division Bench on 08.06.2023. Sd/-

لانت (A.P. Kurhekar) Member (J)

(G.C.P.) J 2959 (A) (50,000–3-2017) [Spl.- MAT-F-2 E. IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders

Tribunal's orders

O.A.396/2023 (From A'bad Bench through Video Conferencing)

Smt. M.S. Harne (Kale) ... Applicant Vs. The State of Mah. & ors. ... Respondents

1. Heard Shri K.G. Salunke, learned Advocate for the Applicant and Shri Milind Mahajan, learned Presenting Officer for Respondents through Video Conferencing.

2. The Applicant is serving as Assistant Professor at Government Polytechnic, Aurangabad. She has challenged the transfer order dated 30.05.2023 whereby she is transferred to Government Polytechnic, Jalgaon.

3. The learned Advocate for the Applicant sought interim relief to the transfer order contending that Applicant has never requested for transfer, but she is shown transferred on request. However, he fairly concedes that Applicant has completed normal tenure at Aurangabad.

4. True, in transfer order dated 30.05.2023, the Applicant is shown transferred on request. However, fact remains that Applicant is serving at Aurangabad since July, 2011 as specifically mentioned in O.A. That means, Applicant is at Aurangabad for last 12 years. As such, she is overdue. The reference of transfer on request in transfer order seems to be inadvertent mistake. Suffice to say, no case is made out to grant interim relief and to stay transfer order.

5. Issue notice to the Respondents made returnable on 14th June, 2023.

[*P.T.O.*

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	6. Tribunal may take the case for final disposa at this stage and separate notice for final dispos shall not be issued.
	7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal a the stage of admission hearing.
	8. This intimation/notice is ordered under Ru 11 of the Maharashtra Administrative Tribun (Procedure) Rules, 1988 and the questions such a limitation and alternate remedy are kept open.
	9. In case notice is not collected within seven day or service report on affidavit is not filed three day before returnable date, the O.A. shall be placed of board before the concerned Benches under the caption " for Dismissal " and thereafter on the subsequent date the O.A. shall stand dismissed.
	10. The service may be done by Han Delivery/Speed Post/Courier and acknowledgeme be obtained and produced along with affidavit compliance in the Registry within one wee Applicant is directed to file Affidavit of complian and notice.
	11. S.O. to 14 th June, 2023. Sd/-
	(A.P. Kurhekar) 01.06.2023 (skw)
	(5KW)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date: 01.06.2023 O.A. No.622 of 2023	
	S.D. PatilApplicant Versus The State of Maharashtra & OrsRespondents.	
	1. Heard Shri V.V. Ugale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presentin Officer for the Respondents.	
	2. The Applicant has challenged suspension order dated 23.05.2023 in contemplation of regular D.E.	
	 3. Learned Advocate for the Applicant prayed for stay to the Suspension order and to keep his post vacant so that in case of reinstatement in service on merit he could be posted on same place. 4. Learned P.O. opposed interim relief <i>inter-alia</i> contending that O.A. itself is premature and no such interim relief could be granted. 	
	5. As stated above, the Applicant is suspended recently, hardly one week ago and rushito the Tribuna to challenge suspension order. Therefore, Affidavit-in- Reply of the Respondents is necessary to decide the legality of Suspension.	
	6. In view of above, I am not inclined to grant interim relief.	
	7. The office objections, if any, are to be removed and court fees to be paid, if not already paid	
	8. Issue notice before admission returnable or 26.06.2023.	
	[PT.O.	

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders	
	9. Applicant is authorized and directed to serve or Respondent intimation/notice of date of hearing dul- authenticated by Registry, along with complete pape book of O.A. Private service is allowed. Respondent are put to notice that the case may be taken up for fina disposal at the stage of admission hearing.	
	10. This intimation/notice is ordered under Rule 1 of the Maharashtra Administrative Tribunal (Procedure Rules, 1988, and the questions such as limitation an alternate remedy are kept open.	
	11. By Hand delivery, speed post, courier notice t be served and acknowledgement be obtained an produced along with affidavit of compliance in th Registry within one week. Applicant is directed to fil Affidavit of compliance and notice.	
	12. In case notice is not collected within <u>seven</u> day or service report on affidavit is not filed <u>three</u> day before returnable date, the Original / Miscellaneou Applications shall be placed on board before th concerned Benches under the caption " <u>for Dismissa</u> and thereafter on the subsequent date the Original Miscellaneous Applications shall stand dismissed.	
	13. S.O. to 26.06.2023.	
	Sd/-	
	, (A.P. Kurhekar) Member (J)	
	NMN	

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders		
	Date: 01.06.2023	
	O.A. No.618 of 2023 S.B. GoneApplicant Versus	
	The State of Maharashtra & Ors.	Respondents.
	 Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. In terms of order passed by the Tribunal on 30.05.2023, Respondent No.3 – Collector, Pune has taken decision by passing order on 31.05.2023 stating that the Applicant is not due for Transfer since he has completed only 9 months tenure in present post of Awal Karkoon and therefore he cannot be posted on the post of Circle Officer in rotation. In view of above, at this stage no interim relief can be granted. Learned Advocate for the Applicant is at liberty to challenge decision dated 31.05.2023. Since, Respondents have already appeared through P.O. issuance of notice is dispensed with. Learned P.O. shall file Affidavit-in-Reply to O.A. be next date. S.O. to 16.06.2023. 	
		Sd/-
	(A.P. Kurhekar) Member (J)	
	NMN	