

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20

IN

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
	<p style="text-align: center;"><u>O.A.289/2017 (At Nagpur)</u></p> <p>Mr. R.C. Wankar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. P.S. Wathore, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>There is nobody to instruct the learned PO. The OA is from Nagpur Bench. It was presented there on 19.5.2017 but thereafter, it seems that in the Vacation currently going on, the matter got circulated from Nagpur, then Aurangabad and then here. Therefore, I can appreciate the difficulty even of the learned PO because as far as she is concerned, she has been served a short while ago today only.</p> <p>The narrow issue as far as this OA is concerned today is as to whether the Applicant's transfer from Chandrapur to Gondia can be stayed. He relies on the G.R. of 31st October, 2016 issued by the Agriculture, Animal Husbandry and Dairy Development Department whereby in the last two years before retirement, an employee has to be given the posting of his own choice and transfer cannot be compelled. There is <i>prima-facie</i> material in justification of the interim order, although I express no final opinion thereabout. Another aspect of the matter is that, as per Exh. 'A-7' (Page 28 of the Paper Book (PB)) the son of the Applicant gets married at Chandrapur on 4th June, 2017. The learned PO told me that this can be no ground for granting stay. In my opinion, in the totality of the circumstances, it will have to be seen and if that be so, the Applicant apparently relies upon the GR above referred to in support of his case. It is pointed out by the learned PO that, as per Clause 1 of the impugned order, the Applicant has already been relieved on 31st May, 2017. The learned Advocate for the Applicant, however, submits that, <i>ex-facie</i>, the impugned order, no successor was named and the Applicant has not been relieved because he is on leave for the cause related to the marriage of his son. Relying on this statement at the Bar of the learned Advocate for the Applicant, I think, it can safely be taken that the Applicant has made out a case for grant of interim relief till the next date. The order herein impugned in so far as, it relates to the Applicant is stayed till the next date.</p> <p style="text-align: center;">Issue notice made returnable on 16.06.2017 before the Nagpur Bench. Hamdast.</p>

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

Tribunal's orders

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

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 at the stage of admission hearing.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 16th June, 2017 before Nagpur Bench of this Tribunal. Hamdast.

DATE: 2/6/17

COEAM:

~~Hon'ble Shri. RAHVAGARWAL~~
(Vice Chairman)

Member Shri R. B. MALIK (Member)

APPEARANCE:

Shri/ P. S. Wathore

Advocate for the Applicant

Shri/ A. B. Koldgi

CRD/ARO for the Respondents

Adj. To: S.O. to 16/6/17

Hamdast



(skw)

Sd/-

(R.B. Malik)
Member (J)
02.06.2017

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	<p style="text-align: center;"><u>O.A.450/2017</u></p> <p>Mr. P.Y. Shelar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mrs. Punam Mahajan, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for Respondents 1 to 3. None for the Respondent No.4.</p> <p>The learned PO, is being instructed by Mr. D.S. Kumbhar, Tahasildar (Revenue), Commissioner Office, Pune.</p> <p>At this stage, when it is still early days for this OA, although it may not be appropriate for me to make any detailed comments lest one or the other side might get prejudiced. However, this much needs to be said that, on the face of it, it appears that the provisions of Section 4(5) read with Section 6 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (Transfer Act) are apparently violated. This will be the state of affairs even if onewere to go by the G.R. of 22.06.2016 because in no case can the powers of transfers and approval reside in the same authority. It is, however, made clear that liberty is still reserved for the Respondents to take whatever stand they have advised to, but the Applicant cannot be left unprotected. It is submitted by the learned PO that the orders of transfer have been effectuated and the successor has already joined. In my opinion, however, in the context of the present facts and for the aforestated reasons, that will not come in the way of this Tribunal making an appropriate order and if it needs to be given a colour of mandatory order at interlocutory stage, so be it. I, therefore, stay the operation of the order herein impugned as far as the Applicant is concerned till the date next to the filing of the reply and direct that the Applicant be reposted to the post he has been transferred from within three working days from today.</p> <p style="text-align: center;">Issue notice returnable on 09.06.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>2/6/17</u></p> <p>CORAM:</p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE:</p> <p>Shri/Smt: <u>Punam Mahajan</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt: <u>A. B. Kololgi</u></p> <p>G.P.O. for the Respondents <u>No. 1 to 3.</u></p> <p>None for R. No. 4.</p> <p>Adj. To:</p> <p><u>S.O. to 9/6/17</u></p> <p><u>Handcast</u></p> <p><i>[Signature]</i></p>	<p>be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>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 four weeks. Applicant is directed to file Affidavit of compliance and notice.</p> <p>S.O. to 09th June, 2017. Hamdast.</p> <p><i>[Signature]</i> 2.06.17</p> <p>(R.B. Malik) Member (J) 02.06.2017</p> <p>(skw)</p>

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O.A.293/2017 (At Nagpur)

Dr. K.G. Patil ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Mr. P.S. Wathore, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

On the request of the learned Advocate for the Applicant, he is permitted to move the Nagpur Bench of this Tribunal on the next date for interim relief.

Issue notice returnable on 05.06.2017.

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

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 at the stage of admission hearing.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 05th June, 2017 before the Nagpur Bench.

DATE: 2/6/17

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL
(Vice Chairman)~~

Hon'ble Shri P. B. MALIK (Member) J

APPEARANCE:

Shri/Smt. P.S. Wathore

Advocate for the Applicant

Shri/Smt. A.B. Kololgi

~~E.P.O./P.O. for the Respondents~~

~~Adj. To: S.O. to 5/6/17~~

Sd/-

(R.B. Malik)
Member (J)
02.06.2017