

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

Tribunal's orders

Date : 14.11.2018

O. A. No.997 of 2018

S.S. Gund

....Applicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri A. V. Bandiwadekar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 27.11.2018.

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

4. Applicants are 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.

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. Applicants are directed to file Affidavit of compliance and notice.

7. In case notice is not collected within three days or service report or affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 27.11.2018.

Sd/-

(A. P. Kurhekar)
MEMBER (J)

DATE: 14/11/18

CORAM

Hon'ble Shri. A. P. Kurhekar, Member (J)

APPEARANCE

Shri. A. V. Bandiwadekar

Advocate for the Applicant

Ms. S. Suryawanshi

P.O. for the Respondent/s

Adj./S.O. to 27/11/18

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO. 998 of 2018

V. B. Pawar

)Applicant

Versus

The State of Maharashtra & Ors.

)Respondents

Shri A. V. Bandiwadekar, Advocate for Applicant

Ms S. Suryawanshi, Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR, MEMBER (J)

DATE : 14.11.2018

ORDER

1. Heard Shri A. V. Bandiwadekar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned Presenting Officer for the Respondents.
2. By order dated 03.07.2018, the Government has revoked the suspension and ~~give~~ directions to reinstate the applicant on the vacant post of Resident Naib Tahsildar, Tahsil Office, Thane. However, despite four months period, there is no implementation of the said order. The applicant apprehends that some other person namely Shri Indurkar is being posted in his place as Naib Tahsildar. Therefore, he rushed to this Tribunal and sought interim relief.
3. From the perusal of the record, it reveals that despite the order dated 03.7.2018, the posting has not been given to the applicant after reinstatement. His apprehension seems reasonable. If interim relief is refused and another person is appointed in his place then very purpose of filing of the application will be defeated. I am, therefore, satisfied that interim relief needs to be given.
4. In view of the above, interim relief is granted in terms of paragraph No.10 (b).
5. Issue notice before admission returnable on 27.11.2018.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. Applicants are 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.

8. 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.

9. 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. Applicants are directed to file Affidavit of compliance and notice.

10. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. Hamdast and steno copy is allowed.

12. S.O. to ~~26~~²⁷.11.2018.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO. 999 of 2018

M. M. More

)Applicant

Versus

The State of Maharashtra & Ors.

)Respondents

Shri A. V. Bandiwadekar, Advocate for Applicant

Ms S. Suryawanshi, Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR, MEMBER (J)

DATE : 14.11.2018

ORDER

1. Heard Shri A. V. Bandiwadekar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned Presenting Officer for the Respondents.
2. The challenge in the present O.A. is to the transfer order dated 14.11.2018, whereby the applicant has been transferred from Nashik to Pune. According to the Applicant, it is a mid-term and a mid-tenure transfer and not in consonance to the provisions of the Maharashtra Government Servants Regulation and Transfers and Prevention of Delay In Discharge of Official Duties Act, 2005. The learned Advocate for the Applicant, therefore, prays for interim relief.
3. Record produced by the learned P.O. for the respondents does not reveal that the applicant's proposal for transfer was placed and approved by the Civil Services Board. Learned P.O. submits that the transfer order was made on the basis of one compliant made by Shri Sunil Shinde. However, the file produced by the learned P.O. reveals that the report in respect of that compliant is still awaited.
4. Thus it appears that without waiting of the report and without ascertaining the veracity of the compliant, the transfer order has been issued. The applicant is yet not relieved.

5. In view of the above, in my opinion the interim relief needs to be granted. Hence status quo in respect of the impugned order dated 14.11.2018 be maintained till filing of the reply.
6. Issue notice before admission returnable on 29.11.2018.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. Applicants are 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.
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. Applicants are directed to file Affidavit of compliance and notice.
11. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
12. Hamdast and steno copy is allowed.
13. S.O. to 29.11.2018.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO. 996 of 2018

S. S. Gund

)Applicant

Versus

The State of Maharashtra & Ors.

)Respondents

Shri A. V. Bandiwadekar, Advocate for Applicant

Ms S. Suryawanshi, Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR, MEMBER (J)

DATE : 14.11.2018

ORDER

1. Heard Shri A. V. Bandiwadekar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned Presenting Officer for the Respondents.
2. The challenge is to the transfer order dated 06.11.2018, whereby the applicant has been transferred from Mulund to Kalyan in the office of Special Deputy Superintendent of Land Record. The only reason forthcoming in the order is transfer on the vacant post. Though there is mention of Section 4(4) and 4(5) of the Maharashtra Government Servants Regulation and Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 in the order no special reason for mid-term transfer is forthcoming.
3. Learned P.O. has produced the file for inspection from which it reveals that the Hon'ble Chief Minister has approved the transfer. However, special reasons for mid-term transfer are not forthcoming. The applicant was due for transfer in May-June. At that time, the transfer order is stayed in respect of private respondent no.3. However, now after five-six months by impugned order dated 6.11.2018, the respondent no.3 has been accommodated and the applicant has also transferred on the vacant post. In any case, the transfer is being made mid-term, there has to be some special reasons for transfer in terms of Section 4(4), 4(5) and 4(2) of the Act, 2005. The special reasons are not forthcoming except the reason due for transfer. The applicant is not yet relieved. I am, therefore, satisfied that interim relief is necessary as the transfer seems not in consonance with the Act, 2005.

4. In view of the above, interim stay is granted to the execution of the order dated 06.11.2018 qua the applicant till the returnable date.
5. Issue notice before admission returnable on 27.11.2018.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicants are 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.
8. 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.
9. 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. Applicants are directed to file Affidavit of compliance and notice.
10. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
11. Hamdast and steno copy is allowed.
12. S.O. to 27.11.2018.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)