

**ORIGINAL APPLICATION NO. 563 OF 2024**  
(Satish Keshavrao Kadam Vs. State of Maharashtra & Ors.)

**VACATION COURT**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**

**DATE : 17.05.2024**

**ORAL ORDER :**

Heard Shri D.T. Devane, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The applicant is working on the post of Awal Karkun in the office of Collector at Nanded. The grievance of the applicant is that on pretext of one complaint received from a transport contractor to the effect that the bills submitted by the said contractor were not processed by the applicant within time that the applicant has been relieved by respondent No. 3 vide order dated 02.05.2024.

3. Learned counsel for the applicant submitted that the applicant has denied the allegations made against him. He further contended that the bills submitted by the said contractor were processed by

the applicant within time and, as such, there is no substance in the allegations made against the applicant. Learned counsel further submitted that respondent No. 3 cannot take any such action against the applicant. Learned counsel referred to Government Circular dated 11.02.2015 pertaining to the midterm transfers of the Government employees. Learned counsel more particularly referred to clause 8 of the said Circular. Learned counsel submitted that the action itself is punitive action and is taken by the officer, who does not have any authority to take such action. In the circumstances, learned counsel has prayed for an interim relief for staying the effect and operation of the impugned order dated 02.05.2024 issued by respondent No. 3.

4. Learned Chief Presenting Officer has opposed for granting any interim relief. Learned C.P.O. tendered across the bar the order dated 03.05.2024, whereby the applicant has been transferred to Tahsil office at Bhokar on the post of Godown Keeper, Grade-II. Learned counsel for the applicant submitted that the applicant has not been served with any such order till date. Learned C.P.O. has also

placed on record the communication dated 30.04.2024. It is the communication between respondent No. 3 and respondent No. 4 pertaining to the complaint made by the Government transport contractor against the applicant.

5. I have duly considered the submissions made by the learned counsel for the applicant, as well as, learned Chief Presenting Officer for the respondent authorities.

6. The order dated 03.05.2024 tendered across the bar by the learned Chief Presenting Officer demonstrates that the applicant has been transferred from the existing post vide the said order at Tahsil Office, Bhokar on the post of Godown Keeper. Learned counsel for the applicant has submitted that the said order has not been served upon the applicant. At this juncture, it is difficult to record any finding in this regard. That will be the matter of further enquiry. However, in view of the said order the prayer for interim relief has become redundant. Hence, the following order: -

**ORDER**

(i) Issue notice to respondents, returnable on 10.06.2024.

(ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

(iv) 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.

(v) The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

(vi) S.O. to 10.06.2024.

(vii) Steno copy and hamdust is allowed to both the parties.

**VICE CHAIRMAN**

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2. After passing of the first order of issuance of notice to the respondents, the learned counsel for the applicant has sought leave to amend the O.A., so as to incorporate the pleadings as about the order of transfer dated 03.05.2024 and the prayer in that context of setting aside the said order.

3. Leave granted as prayed for. The necessary amendment be carried out within a week.

**VICE CHAIRMAN**

ORAL ORDER 17.05.2024-HDD

**ORIGINAL APPLICATION NO.32/2024**  
**(Nagsen Kondiba Sarje & Ors. Vs. State of Maharashtra & Ors.)**

**[VACATION COURT]**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**[D.B. Matter]**

**DATE : 17.05.2024**

**ORAL ORDER :**

Shri Yuvraj R. Barhate, learned Counsel for the applicants (**absent**). Shri M.B.Bharaswadkar, learned Chief Presenting Officer (CPO) for the respondent authorities, is present.

2. Not on board, taken on board on request of learned CPO. In the present matter reply was directed to be filed within 10 days. Accordingly, a short affidavit in reply on behalf of respondent no.2 is submitted by the learned CPO today. Learned CPO undertakes to supply copy of the reply on the learned Counsel for applicants.

3. Next date is already given as 10-06-2024 for hearing.

**VICE CHAIRMAN**