

**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
	<p align="center"><u>O.A. No.458 of 2023 (Nagpur)</u> <u>(Through Video Conferencing)</u></p> <p>Dr. V.R. Inamdar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.V. Shiralkar, learned Advocate for the Applicant and Shri M.I. K..., learned Presenting Officer for the Respondents.</p> <p>2. The applicant is working as a Jailor, Group-I at Nagpur Prison. He took charge on 25.3.2023. His wife is posted at Judge in Labour Court, Ratnagiri from 7.7.2021. He submits that earlier the applicant has filed OA No.1099/2022. He relies on the order dated 19.12.2022 passed in OA No.1099/2022 by this Tribunal at Mumbai wherein the applicant earlier had requested to decide his representation for transfer at Yerwada, Satara or Ratnagiri on the ground of husband and wife unification policy of the Govt. At that time this Tribunal has passed the following order:</p> <p align="center"><i>“8. Respondents will have to pass appropriate order about the transfer of the applicant in General transfer of 2023. That time the applicant would be at liberty to make representation well in advance and it be considered appropriately.”</i></p> <p>3. Ld. Advocate for the applicant submits that pursuant to the said directions the applicant has made representation dated 27.3.2023 with same prayer of giving him posting at Ratnagiri, Satara or Yerwada.</p> <p>4. Ld. PO submits that in between applicant was promoted from the post of Jailor, Group-II, Ratnagiri to Jailor, Group-I, Nagpur.</p> <p>5. The attention is drawn to Annexure R-11 where the vacancies which is going to occur are mentioned on account</p>

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	<p>of promotion from the post of Jailor, Group-I to Superintendent at Pune, Konkan.</p> <p>6. Ld. PO submits that process of general transfer is going on and his representation is yet to be considered.</p> <p>7. In view of the facts of the matter and the submissions, this matter is disposed off with following order.</p> <p>8. The respondents are directed to decide the representation of the applicant dated 27.3.2023 at the time of present general transfers of 2023. With these directions the OA is disposed off.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson 18.5.2023</p> <p>(sgj)</p>

**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
	<p align="center"><u>18.05.2023</u></p> <p align="center"><u>O.A 569/2023</u></p> <p>Dr D.R Pol ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri D.B Khaire, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicant challenges the impugned transfer order dated 15.5.2023 transferring him from Nimbut, Tal-Baramati, Dist-Pune to Baramati, mainly on the ground that his 18 year old daughter is 100% intellectually disabled and she is taking treatment at Lonand and it is far away from Barmati. The applicant was transferred to Nimbut by order dated 4.7.2019 and he was relived from Mandavgafarat by order dated 23.8.2019 and he joined at Nimbut, Baramati. Learned counsel for the applicant submits that the Government has transferred officer in his department considering their due dates who had joined their present posting on or before 20.7.2019. The applicant was transferred on 4.7.2019 and that order was stayed by this Tribunal and therefore he was relived and joined on 23.8.2019. Learned counsel therefore submits that persons who joined after 20.7.201229 were not transferred. On this ground of parity, he should not be transferred.</p> <p>3. Basically, the grant of parity is not convincing to grant any interim relief. It appears very artificial because the transfer order of the applicant is dated 4.7.2017 and by virtue of the order of stay granted by this Tribunal, the applicant could not join and hence there is no parity.</p> <p>4. Learned counsel for the applicant submits that the applicant will make representation to the authority to consider his request.</p> <p>5. Thus, if the applicant makes representation, that is to be decided by the Respondents in between. Learned counsel informs that nobody is posted at Nimbut and the post is vacant so the Respondents should consider the representation of the applicant sympathetically.</p> <p align="right">[P.T.O.]</p>

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6. Issue notice before admission returnable on 6.6.2023.
7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
8. 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.
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. 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.
11. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption '**for Dismissal**' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."
12. S.O to 6.6.2023.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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	<p align="center"><u>O.A. No.552 of 2023</u></p> <p>A.P. Shete ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Pursuant to the earlier order dated 12.5.2023, Ld. CPO submits that order No.262/2018 of PWD circular is placed on record by the applicant. Merit wise seniority is shown in the said order wherein Rekha Satpute is at Sr. No.7 and applicant is shown at Sr. No.17. Ld. CPO submits that under such circumstances matter is to be placed along with concerned OA No.386/2022 which is placed on 6.6.2023. She further submits that show cause notice before reversion was given to the applicant on 13.4.2023 and he filed reply on 24.4.2023. The said reply/representation was considered by the department in the meeting held on 25.4.2023 and it was rejected as it was not satisfactory.</p> <p>3. Ld. CPO is directed to take instructions on document at page 17 which is annexure A-2.</p> <p>4. S.O. to 6.6.2023.</p> <div style="text-align: right; margin-right: 50px;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;">Sd/-</div> (Mridula Bhatkar, J.) Chairperson 18.5.2023 </div> <p>(sgj)</p>

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	<p align="center"><u>18.05.2023</u></p> <p align="center"><u>O.A 570/2023</u></p> <p>Dr Nitin H. Shimpi ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms S.S Bhange, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicant prays that the Respondents be directed to allow the applicant to apply and appear for the examination to be held for the post of Food Safety Officer and Assistant Commissioner of Food, pursuant to the advertisement dated 24.2.2023.</p> <p>3. Learned counsel for the applicant submits that the applicant holds degree of BHMS. Learned counsel submits that the last date of filling up the form pursuant to the advertisement dated 24.4.2023 was 4.4.2023. Learned counsel for the prays for interim relief to allow the applicant to fill up the form. Learned counsel for the applicant has relied on the order dated 29.3.2023 in O.A 3232/2023 of the Division Bench of this Tribunal whereby holding that BAMS or BHMS are the branches of Medicine.</p> <p>4. Had the applicant approached this Tribunal earlier within time that is when his first application could not be uploaded and accepted by the Respondents, the applicant could have been granted the relief. However, the Hon'ble Bombay High Court by order dated 2.5.2023 in W.P 5970/2023, has refused to extend the date. As the applicant has approached this Tribunal at a very late state, hence applicant is not entitled for interim relief.</p> <p>5. Learned C.P.O submitted that the examination is scheduled on 4.6.2023.</p> <p>6. In view of the above, matter adjourned to 8.6.2023.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson [P.T.O.]</p>