

Date : 18.06.2020

O.A.No.239 of 2020

1. Heard Shri S. S. Dere, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicants have filed the present O.A. for limited relief, namely to direct the Respondents to relieve them in terms of order passed by the Respondent No.1.

3. Respondent No.1 had passed the order on 29.05.2019 thereby giving posting to the Applicant Nos.5 and 6 and later again passed separate orders for modification of the posting of the remaining Applicants.

4. However, Respondent No.2-Commissioner of Police, Mumbai by Circular dated 28.06.2019 declined to relieve them.

5. Today, Shri A.J. Chougule, learned P.O. on instructions from Smt S. J. Hussen, Sr. Clerk, D.G.P. office, Mumbai made a statement that Applicants will be relieved from their present post within 15 days so as to join the posting given to them by the Respondent No.1.

6. In view of fair statement by learned P.O., grievances of the Applicants stand redressed as they will be relieved within two weeks.

7. In view of above, Original Application is disposed off with no order as to cost.

8. On request of learned Counsel for the Applicant, two weeks time is granted to pay necessary court fee in view of the order passed in M.A.No.158/2020 (Sue Jointly).

9. Hamdast granted.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

(X)
5. Today, Shri. A.J. Chougule, learned P.O. on instructions from Shri. Sharad Mahabaleshwar Naik, A.C.P., Head Quarter, Police Welfare, Mumbai made a statement that Applicants will be relieved from their present post within 15 days so as to join the posting given to them by the Respondent No.1. (X)

correction is carried out as per order dt:- 25/6/20

21/7/20

Registrar
Maharashtra Administrative Tribunal
Mumbai

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>Date : 18.06.2020</p> <p>Q.A.No.123 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri M. B. Kadam holding for Shri U. V. Bhosale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned P.O. submits that he wants to file Sur-Rejoinder and the same will be filed on 25.06.2020. 3. S.O. to 25.06.2020. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(I)</p> <p>vsm</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>Date : 18.06.2020</p> <p style="text-align: center;">D.A.No.188 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned P.O. has filed Affidavit on behalf of the Respondent No.1 in terms of order passed by this Tribunal on 11.03.2020. 3. Learned P.O. for the Respondents seeks time to file detailed reply. 4. In the meantime, Respondents shall release other dues of the Applicant which are not required to be withheld for proposed O.E. 5. S.O. to 02.07.2020 for filing reply. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

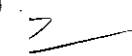
The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 18.06.2020</p> <p style="text-align: center;">O.A.No.274 of 2020</p> <ol style="list-style-type: none"> 1. Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the order dated 15.06.2020 issued by the Government whereby she was transferred from the post of Deputy Inspector General Prisons (H.Q.) Pune to Deputy Inspector General Prison, East Zone, Nagpur. 3. Learned Counsel for the Applicant submits that Applicant has been transferred mid-term and mid-tenure without requisite compliance of Section 4(5) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005). He has pointed out that Applicant was posted at present post by order dated 13.08.2019 and has not completed normal tenure of three years. He, therefore, submits that no administrative exigency is make out, and therefore, prayed for grant of stay to the impugned order. 4. Whereas, learned P.O. submits that Applicant is in Pune for more than eight years on different posts and now she has transferred to Nagpur for administrative exigency. According to him, the post at Nagpur was vacant, and therefore, it was required to be filled in. He further submits that Civil Services Board (CSB) recommended the transfer of the Applicant to Nagpur and it has been approved by the Hon'ble Chief Minister being highest competent authority as contemplated u/s 4(5) of 'Act 2005'.

PTO

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Perusal of file tendered by learned P.O. reveals that transfer of the Applicant was recommended by the CSB and the same has been approved by the Hon'ble Chief Minister. There is no denying that the Applicant had completed more than eight years tenure at Pune on different posts.</p> <p>6. True, by last order dated 13.08.2019, the Applicant was transferred from the post of Deputy Inspector General Prison, Western Region, Yerwada, Pune to Deputy Inspector General Prison (H.Q.), Pune and had not completed three years tenure from order dated 13.08.2019. However, the fact remains that prior to 13.08.2019, she was in Pune on the same post in Western Division. Thus, admittedly the Applicant had completed eight years in Pune. The post of Deputy Inspector General Prison, East Division, Nagpur was vacant and it was required to be filled in. It is on this background, the CSB recommend the transfer of the Applicant to Nagpur and the same has been approved by the Hon'ble Chief Minister.</p> <p>7. As such, prima-facie, there is compliance of Section 4(4) (1) and 4(5) of 'Act 2005'.</p> <p>8. In view of above, I am not inclined to grant interim relief.</p> <p>9. Issue notice returnable on 16.07.2020.</p> <p>10. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>11. 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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>12. 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>13. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>14. S.O. to 16.07.2020.</p> <p style="text-align: right;">Sd/- </p> <p style="text-align: right;">(A.P. Kurhakar) Member(J)</p>

**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>Date: 18.06.2020</p> <p align="center">C.A. No.15 of 2020 in O. A. No. 817 of 2019</p> <p>\$R. KarandeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Kranti L.C., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. In this contempt proceeding the Applicant who is nurse by profession working at Respondent No.1 Government Hospital, Kolhapur, seeks relief as there is no compliance of the order dated 05.09.2019 and order dated 24.01.2020 of this Tribunal. By order dated 05.09.2019 the Single Bench of this Tribunal has directed to release pay and allowances of the Applicant as per his entitlement of Rules within two weeks from the date of the order. 3. Thereafter Review Application 19/2019 in the same O.A. was moved by the state wherein the order dated 05.09.2019 was challenged. However, the said review was withdrawn by state as the order regarding release of pay and allowances was already issued by the Respondent Director of Medical Education and Research, Mumbai. 4. While allowing the withdrawal by order dated 24.01.2020 the Single Bench of this Tribunal again directed the state to release the pay and allowance of the Applicant within two weeks from date of the order. However, both the orders are not complied with hence this Contempt Application.

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	<p>5. Dr. T.P. Lahane, Director of Medical Education and Research, Government Dental College, Mumbai, filed Affidavit dated 17.06.2020 which is taken on record. In the said Affidavit as pointed out by learned C.P.O., the Respondents were completely engaged in prevention and treatment of patients suffering due to Covid-19 pandemic and also could not pursue the matter to the concerned department due to the lockdown from 25.03.2020. The learned C.P.O. has relied on para. 9 of the said affidavit and has submitted that the Respondents seek the period of two months for the compliance of the order of this Tribunal and the Respondents undertake to complete the procedure for necessary sanction. The learned C.P.O. submits an unconditional apology as tendered by Respondents.</p> <p>6. The learned Advocate for the Applicant in reply to the Affidavit submit that the period of two months is long as the Applicant who is a nurse working in this difficult situation since last twenty-two months without salary. His wife is also a nurse in a private hospital who gets a meager salary and it is difficult for the family to pull on further.</p> <p>7. Considered submissions. The apology tendered by the Respondent No.2 is accepted as undertaking to comply with order of this Tribunal within two months from today, is given by the Tribunal.</p> <p>8. The Respondents are expected to move fast for the compliance of the order as the Applicant is nurse and involved in the essential services of the state. Hence by way of the last opportunity we extend the date of the compliance for two months i.e on or before 21st August 2020. And we keep this matter only for the reporting of the compliance on the next date.</p> <p>9. Parties to act on authenticated copy.</p> <p>10. S.O. to 03.09.2020.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <p>Sd/- 18/08/20 (P.N. Dixit) Vice-Chairman</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> </div> </div>

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Tribunal's orders

Date: 18.06.2020

C.A. No.17 of 2020 in O. A. No. 1219 of 2019

Smt. V.U. KumbharApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. This contempt petition is filed for seeking relief against the willful disobedience order dated 24.01.2020 passed by Single Bench of this Tribunal directing the Respondent to take decision on the representation made by Applicant about allowing her to join in the service.

3. Learned C.P.O., filed Affidavit-in-Reply dated 17.06.2020 of Respondent No.1 Dr. T.P. Lahane, Director of Medical Education and Research, Mumbai, and Respondent No.2 Dr. T.T. Palve, Superintendent, Cama and Albless Hospital, Mumbai. Learned C.P.O., pointed out that the Respondent No.1 has taken the decision on the representation of the Applicant on 18.03.2020 and thereafter Respondent No.2 issued the necessary orders on 05.05.2020. The said orders are sent to the Applicant by post but not sent by RPAD. Learned C.P.O. further submits that the order of the Tribunal is complied by the Respondent No.1&2. However, there is delay of nearly three months therefore Respondents have tendered unconditional apology which may be accepted.

4. In view of the submission of learned C.P.O. and considering the Affidavit of the Respondent we accept the apology. Hence nothing remains in this petition.

5. O.A. is disposed off.

Sd/-
18/6/20
(P.N. Dixit)
Vice-Chairman

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson

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