

**ORIGINAL APPLICATION NO. 40/2021**  
**(Hirasingh K. Chandelthakur Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri K.A. Ingle, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 30.3.2021.

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

4. 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.

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 acknowledgment be obtained and

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**O.A. NO. 40/2021**

produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 30.3.2021.

8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ARJ ORAL ORDERS 18.2.2021 – DIAS ORDER

**ORIGINAL APPLICATION NO. 47/2021**  
**(Bhanudas F. Gavit Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 30.3.2021.

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

4. 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.

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 acknowledgment be obtained and

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**O.A. NO. 47/2021**

produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 30.3.2021.

8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ARJ ORAL ORDERS 18.2.2021 – DIAS ORDER

**M.A. 253/2020 IN O.A. ST.1001/2020**  
**(Sukhdeo S. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri D.K. Dagadkhair, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

**MEMBER (J)**

**O.A. ST.1001/2020**

**(Sukhdeo S. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri D.K. Dagadkhair, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 30.3.2021.

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

4. Applicants are 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.

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 acknowledgment be obtained and

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**O.A. ST NO. 1001/2020**

produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 30.3.2021.

8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ARJ ORAL ORDERS 18.2.2021 – DIAS ORDER

**ORIGINAL APPLICATION ST. NO. 214/2021**  
**(Kadubai S. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri R.K. Khandelwal, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 30.3.2021.

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

4. 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.

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 acknowledgment be obtained and



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**O.A. ST. NO. 214/2021**

produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 30.3.2021.

8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ARJ ORAL ORDERS 18.2.2021 – DIAS ORDER

**ORIGINAL APPLICATION ST. NO. 229/2021**  
**(Sudhir R. Tambe Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri A.B. Gaikwad, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 31.3.2021.

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

4. 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.

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 acknowledgment be obtained and

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**O.A. ST. NO. 229/2021**

produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 31.3.2021.

8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ARJ ORAL ORDERS 18.2.2021 – DIAS ORDER

**ORIGINAL APPLICATION ST. NO. 233/2021**  
**(Sunanda A. Pagare @ Sunanda w/o John Sable Vs. State of**  
**Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Ms. Preeti Wankhade, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 26.3.2021.

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

4. 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.

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 acknowledgment be obtained and

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**O.A. ST. NO. 233/2021**

produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 26.3.2021.

8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ARJ ORAL ORDERS 18.2.2021 – DIAS ORDER

**ORIGINAL APPLICATION NO. 1082/2019**  
**(Naresh W. Sapkal Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri L.V. Sangit, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 26.3.2021 for producing some relevant documents on record.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 303/2020**  
**(Sanjay D. Dongaonkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri P.N. Sonpethkar, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. This matter was heard on yesterday and was adjourned for today to enable the learned P.O. to take instructions from the concerned respondents as to why gratuity amount of the applicant is withheld.

3. Today the learned P.O. has tendered the letter dated 17.2.2021 issued by the Assistant Regional Soil Conservation Officer, Aurangabad, wherein it is stated that enquiry against the applicant is going on. However, the said letter is too vague and it does not specify as to whether regular departmental enquiry is initiated against the applicant. Learned P.O. as well as learned Advocate for the applicant are unable to tell whether regular DE is initiated against the applicant.

4. In view of above, respondents are directed to file affidavit in reply of respondents and to make their stand clear.

5. S.O. to 18.3.2021 for filing affidavit in reply by the respondents.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 12/2020**  
**(Vaibhav V. Chandle & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri H.P. Jadhav, learned Counsel for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Perusal of record reveals that notices were issued on 20.1.2020, but till date affidavit in reply is not filed by the respondents.

3. On request of learned P.O. time till 4.3.2021 is granted as a most last chance for filing affidavit in reply of the respondents.

4. Matter be kept for hearing at the stage of admission on 19.3.2021.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 69/2020**  
**(Suresh G. Tandale Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri B.R. Kedar, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The applicant has challenged the order dtd. 2.11.2015, whereby he has been suspended by the respondents on the ground of registration of crime for the offences punishable under the provisions of Prevention of Corruption Act. However, later on he was reinstated in service by the order dated 20.9.2019 (page 64 of O.A.). The applicant is now reinstated in service.

3. However, learned Advocate for the applicant intends to challenge the legality of the suspension order on the ground of competency of the Controller, Legal Metrology who has suspended the applicant.

4. Since the applicant is already reinstated in service there is no urgency to hear the present matter today. Hence, the matter is adjourned to 15.3.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 103/2021**

**(Dr. Harishchandra T. Kakani Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The applicant has challenged the suspension order dated 4.1.2021, whereby he has been deemed to be suspended w.e.f. 25.6.2020.

3. Learned Advocate for the applicant has raised the grievance of not getting the subsistence allowance.

4. The respondents cannot withhold the subsistence allowance of the applicant. The respondents are therefore directed to ensure the payment of subsistence allowance to the applicant and arrears thereof also be paid to the applicant before the next date.

5. In the circumstances, issue notices to the respondents, returnable on 30.3.2021.

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

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**O.A. NO. 103/2021**

7. 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.

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 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.

10. S.O. to 30.3.2021.

11. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 231/2021**  
**(Vaijanath B. Navande Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri V.B. Dhage, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The applicant has challenged the order dtd. 28.3.2018 whereby an amount of of Rs. 3,68,791/- is sought to be recovered from him on the ground that excess payment due to wrong pay fixation has been made to him by the respondents.

3. Learned Advocate for the applicant has submitted that an amount of Rs. 1,37,340/- is already recovered from the applicant and therefore he is seeking interim stay for recovery of remaining amount of Rs. 2,31,516/-.

4. The applicant is a Class-IV employee and it prima-facie reveals that excess payment has been made to the applicant due to mistake committed by the Department. Therefore, in view of decision of Hon'ble the Supreme Court in **Civil Appeal No. 11527/2014 arising out of S.L.P. (C) No. 11684/2012 & Ors. (State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.)** reported at **AIR**

**2015 SC 596** the recovery is not permissible and needs to be stayed.

5. Since it is continuous cause of action, I am inclined to grant interim relief in favour of the applicant.

6. In the circumstances, interim relief as prayed for in para 11(a) of the O.A. is granted.

7. In the circumstances, issue notices to the respondents, returnable on 22.3.2021.

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

9. 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.

10. 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.

11. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and

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**O.A. ST. NO. 231/2021**

produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

12. S.O. to 22.3.2021.

13. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1102/2019**  
**(Rajendra L. Patil & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3, Shri V.G. Pingle, learned Advocate for respondent nos. 4 to 6 and Shri S.D. Joshi, learned Advocate for respondent nos. 8 & 9. None appears for respondent no. 7 though duly served.

2. The applicants have challenged the transfer order of respondent nos. 4 to 9 to the post of Deputy Inspector General of Registration & Deputy Controller of Stamps issued by the respondent no. 1 with the consequence of repatriation of Respondent nos. 4 to 9 to their parent department.

3. The issue involved in the present matter seems connected to maintaining of ratio of 3:1 in terms of Division Cadre Allotment Rules, 2015.

4. Indeed, similar issue was the subject matter in O.A. No. 914/2019 (Govind D. Karad Vs. the State of Maharashtra & Ors.) decided by the principal seat of this Tribunal at Mumbai on.1.10.2020, whereby directions were issued to the D.P.C. to call option of the applicant therein

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**O.A. NO. 1102/2019**

in terms of Division Cadre Allotment Rules, 2015 by maintaining ratio of 3:1 and shall allot the division to the applicant therein as per his entitlement. Three months' time was given to the respondents therein to complete the said exercise.

5. Today, learned C.P.O. submits that the matter is under serious consideration of the Government and the exercise would be completed within next 2 months.

6. Indeed, while deciding O.A. no. 914/2019 three months' time was given, which is over by December, 2020, but still no decision is taken by the respondents.

7. It appears that if appropriate decision in terms of maintaining the ratio is taken probably, the applicants' grievance can be attended to.

8. In view of above, the present O.A. is adjourned for four weeks with a direction to the respondents to apprise the compliance of directions given in O.A. NO. 914/2019 referred to above.

9. If by next date nothing is materialized this O.A. will be heard on its own merits.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 259/2020**  
**(Panchamlal L. Salve Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. During the course of hearing it is transpired that affidavit in reply filed by the respondents is silent about the issuance of G.R. issued by the Government, whereby time limit for issuance of general transfers have been extended due to COVID-19 pandemic situation. However, surprisingly there is no mention of the said G.R. in the affidavit in reply nor copy of the said G.R. is filed on record.

3. Only on reference to the said GR by the Tribunal the learned P.O. realize that it should have been pleaded in the affidavit in reply and the copy of the said G.R. should have been placed on record.

4. On request of learned P.O. the present matter is adjourned for filing additional affidavit in reply along with copies of relevant G.R.

5. S.O. to 4.3.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 291/2020**  
**(Dr. Minakshi B. Pathak Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. In the present O.A. the applicant has prayed for directions to the respondents to release his retiral benefits withheld despite of his retirement on 30.6.2018.

3. Notices were issued on 20.8.2020 but till date no affidavit in reply is filed by the respondents.

4. Indeed, on 17.12.2020 this Tribunal has passed the order directing the respondent no. 2 to prepare and forward the pension papers of the applicant to the concerned authority and to release the retiral benefits to the applicant or show cause as to why it is not permissible.

5. Surprisingly, despite the above directions by the Tribunal no cognizance is taken by the respondents as per the directions given by this Tribunal.

6. Today again the learned P.O. seeks time to file affidavit in reply. When asked she was unable to submit as to why retiral benefits of the applicant are withheld.

7. Learned Advocate for the applicant has made a categorical statement that there is nothing against the applicant like DE or anything so as to withhold his retiral benefits.

8. It is very disgusting that for more than 2 years the applicant's retiral benefits remained unpaid. It is so due to sheer laxity and negligence on the part of the respondents.

9. In view of above the present O.A. has to be disposed of with a specific direction to the respondents to ensure release of retiral benefits of the applicant within the stipulated period.

10. In the circumstances, the present O.A. is disposed of with following directions :-

**ORDER**

- (i) The present Original Application stands disposed of.
- (ii) Respondents are directed to take all the necessary steps and to release all the retiral benefits of the applicant as per his entitlement within 2 months from today without fail, if there is no legal hurdle for doing so.

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**O.A. NO. 291/2020**

- (iii) The applicant is at liberty to take further steps for grant of interest on belated payment of retiral benefits.

There shall be no order as to costs.

**MEMBER (J)**

**M.A.NO146/2020 IN M.A.ST.NO.418/2020 IN  
O.A.ST.NO.419/2020  
(Maharashtra Rajya Pashu Sawardhan Abhiyantriki Karmachari  
Sanghatana Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P.Kurhekar, Member (J)**

(This case is placed before Single Bench due to  
non-availability of Division Bench)

**DATE : 18.02.2021**

**ORAL ORDER :**

Shri G.L.Deshpande learned Advocate for the  
applicant is **absent**. Shri I.S.Thorat learned Presenting  
Officer for the respondents is present.

2. Learned Advocate for the applicant is absent. Case is  
adjourned.

3. S.O. to 26-03-2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.264/2020**  
**(Sunilkumar Rathi Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P.Kurhekar, Member (J)**  
**DATE : 18.02.2021**  
**ORAL ORDER :**

Heard Shri A.S.Deshmukh learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for the respondents, Shri M.V.Vibhute learned Advocate for respondent no.3 and Shri V.B.Wagh learned Advocate for respondent no.4.

2. The applicant has challenged the impugned order of transfer dated 10-08-2020 whereby he is transferred from Ahmednagar to Sakoli, Dist. Bhandara contending that the transfer order being mid tenure, it unsustainable in law for want of compliance of Section 4(5) of the Transfer Act, 2005. Secondly, applicant being over 50 years of age, he should not have been posted in Sakoli which is naxalite affected area as per G.R. dated 06-08-2002.

3. Admittedly, at the time of general transfers of 2020, transfer orders and the Government servants could not be issued due to Covid-19 Pandemic situation. Therefore, the Government had issued G.R. dated 07-07-2020 whereby decision was taken to effect 15% transfer of Government servants who were due to transfer in general transfers and those orders should be issued by the end of 31 July, 2020. Later by another G.R. dated 23-07-2020, deadline was extended from 31-07-2020 to 10-08-2020.

4. During the course of hearing, the legality of transfer order dated 10-08-2020 has been challenged on the ground that G.R. dated 07-07-2020 or 23-07-2020 cannot override the express provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 ("Transfer Act" for short) and in absence of compliance of Section 4(5) of the Transfer Act, impugned order is unsustainable in law.

5. Though there is reference of S.4(4)(ii) and 4(5) of the Transfer Act in the impugned order, reply filed by the respondent nos.1 to 3 is silent as to which authority has approved the transfer.

6. In view of above, learned P.O. sought time to produce file noting to show which authority has approved the transfer order. Matter is therefore required to be adjourned.

7. In the meantime, the applicant is at liberty to make representation to the Government raising his grievance based on G.R. dated 06-08-2002 and if representation is made, respondent no.1 shall decide the same in accordance of law.

8. Applicant shall make representation within a week from today and it shall be decided by the respondent no.1

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O.A.No.264/20

within 3 weeks from the date of receipt of the representation and the decision thereon be communicated to the parties.

9. Interim relief granted earlier to continue till next date.

10. S.O. to 18-03-2021.

**MEMBER (J)**



**O.A.NO.583/2019, 619/2019, 620/2019 AND  
602/2019**

**(Bhaskar Baviskar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P.Kurhekar, Member (J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Ku. Preeti Wankhade learned Advocate for the applicants and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

2. Due to paucity of time and today being last day of sitting, it is at 4.00 pm matter cannot be heard and decided. Therefore, it requires to be adjourned. However, care needs to be taken about the grievance raised by the learned Advocate for the applicant that the provisional pension is not paid regularly. She has pointed out that in one matter provisional pension is paid belatedly after 5 years.

3. In view of above, respondents are directed to ensure regular payment of provisional pension and arrears, if any, be also paid before next date.

4. S.O. to 22-03-2021.

5. Learned CPO to inform the concerned authorities and to ensure the compliance of the order.

**MEMBER (J)**

**M.A.NO.245/2020 IN O.A.NO.405/2020**  
**(Varsharani Netke Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P.Kurhekar, Member (J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri A.D.Sugdare learned Advocate for the applicant in O.A., Shri I.D.Maniyar learned Advocate holding for Shri M.S.Bhosale learned Advocate for the applicant in M.A. (Respondent no.3 in O.A.), and Shri V.R.Bhumkar learned Presenting Officer for the respondent nos.1 and 2.

2. The applicant has challenged the order dated 01-10-2020 whereby respondent no.3 is shown transferred in his place as Special Land Acquisition Officer, Aurangabad. In the order it is stated that the applicant was on long medical leave and the said post was vacant and in that context respondent no.3 was posted in place of the applicant.

3. Tribunal has granted interim relief in favour of the applicant on 10-03-2020. It appears that since the respondent no.3 was relieved from earlier post, now she is left without posting in view of the interim relief in favour of the applicant.

4. Today, during the course of hearing learned CPO has submitted that proposal is already kept before the Hon'ble Chief Minister for appropriate order in respect of applicant's suspension in view of his long absence and

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M.A.NO.245/2020 IN O.A.NO.405/2020

simultaneously proposal for posting of respondent no.3 will also be considered. He, therefore, requested for grant of 2 weeks' time, so that, stalemate can be resolved.

5. In view of above, matter needs to be adjourned facilitating the Government to pass appropriate orders which would take care of posting of respondent no.3.

6. If the proposal is not materialized by the next date, O.A. will be heard on its own merit.

4. S.O. to 04-03-2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.258/2020**  
**(Atul Bhangе Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P.Kurhekar, Member (J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri Kakasaheb B. Jadhav learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for the respondents. Private Respondent is **absent**.

2. Due to paucity of time and today being last day of sitting, it is at 4.00 pm matter cannot be heard and decided. Hence, the matter is adjourned with liberty to the learned Advocate for the applicant to mention the matter in next seating so as to hear it on top priority.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 536/2021**  
**(Ravi U. Vanjare Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member (J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri G.J. Karne, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents

2. At the request of learned Presenting Officer for the respondents, S.O. to 08.03.2021 for filing affidavit in reply.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 570/2020**  
**(Abasaheb M. Ingle Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member (J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents

2. At the request of learned Presenting Officer for the respondents, S.O. to 15.03.2021 for filing affidavit in reply.

**MEMBER (J)**

**M.A. No. 330/2020 in O.A. No. 931/2019**  
**(Sumanbai B. Kankute Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member (J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri A.G. Jadhav, learned Advocate for the applicant in the present M.A. and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 2 to 4. Shri M.P. Tripathi, learned Advocate for respondent no. 1 in the present M.A. / applicant in O.A. (**Absent**).

2. As none present for the respondent No. 1/ applicant in O.A., S.O. to 15.03.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 748/2017**  
**(Parasram N. Sonawane Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member (J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1, 2 & 4 to 6. S.S. Bhuse, learned Advocate for respondent No. 3, **absent**.

2. At the request of learned Presenting Officer for the respondents, S.O. to 18.03.2021 for filing affidavit in reply to the amended O.A.

**MEMBER (J)**



**ORIGINAL APPLICATION ST. NO. 215 OF 2021**  
**(Sudhakar B. Aandhale Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member (J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate holding for Shri A.M. Gholap, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 26.03.2021.

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

4. 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.

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.

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O.A. St. 215/2021

6. 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.

7. S.O. to 26.03.2021.

8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 472 OF 2020**  
**(Pradeep M. Thakkarwad Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member (J)**

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri G.V. Mohekar, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 22.03.2021.

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

4. 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.

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.

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O.A. St. 472/2020

6. 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.

7. S.O. to 22.03.2021.

8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**M.A. No. 238/2020 in O.A. No. 691/2019**  
**(Rajendra B. Potdar Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member (J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri S.P. Dhoble, learned Advocate holding for Shri A.N. Gaddime, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents

2. By this M.A., permission is sought to produce a copy of Departmental Enquiry report dated 27.04.2020 on record for decision of the O.A. 691/2019.

3. Allowed to produce documents on record.

4. Accordingly, the M.A. stands disposed of with no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 691/2019**  
**(Rajendra B. Potdar Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member (J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri S.P. Dhoble, learned Advocate holding for Shri A.N. Gaddime, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents

2. The applicant has filed the present O.A. on 22.10.2018 seeking posting on the promotional post in terms of promotion order dated 03.06.2016. It appears that after issuance of promotion order, the department has initiated D.E. and probably it was reason for not giving posting to the applicant. Apart during pendency of the present O.A., the applicant stands retired. As per submissions of learned Advocate for the applicant, D.E. is also concluded.

3. Indeed since the applicant retired during pendency of the present O.A., question of posting as prayed for in the O.A. does not survive. All that the applicant may claim service benefits.

4. Learned Advocate for the applicant seeks permission to file M.A. for amendment to the O.A.

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O.A. No. 691/2019

5. S.O. to 08.03.2021 for filing M.A. for amendment.

**MEMBER (J)**

KPB ORAL ORDERS 18.2.2021

**ORIGINAL APPLICATION NO.235/2020**  
**(Shri Sunil Kautik Thakur Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member(J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Today, learned Counsel for the Applicant has filed affidavit-in-rejoinder. It is taken on record.
3. Adjourned for hearing on 16.03.2021.

**MEMBER (J)**



**ORIGINAL APPLICATION NO.572/2020**

**(Shri Abhiman Ganpat Saindande Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member(J)**

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri S.N. Suryawanshi, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Counsel for the Applicant on instruction from his client states that appeal arising for departmental enquiry is already decided and O.A. has become infructuous.

3. Thus, since appeal arising for departmental enquiry is decided, cause of action to Original Application no more survive.

4. In view of above, the Original Application being infructuous is disposed of. No order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.923/2019**  
**(Shri Nisarkha A. Pathan Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member(J)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri S.N. Suryawanshi, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Counsel for the Applicant on instruction from his client states that he wants to withdraw the Original Application since the Departmental Enquiry which was challenged in this O.A. is already concluded and O.A. has become infructuous.

3. Thus, challenge to departmental enquiry has become infructuous and O.A. deserves to be disposed of.

4. Accordingly, the Original Application is disposed of with no order as to costs.

**MEMBER (J)**

**C.P. No.3/2021 IN O.A.NO.295/2019**

**(Maharashtra Rajya Hangami Hivtap Prayogashala Karmachari  
Sangahtna, Through its President, Bharat S/o Mulujirao Tangade  
Vs. Dr. Pradeepkumar Vyas & Others)**

**CORAM : Shri A.P. Kurhekar, Member(J)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Ms. Preeti R. Wankhade, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 25.03.2021.

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

4. 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.

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.

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C.P.3/21 IN O.A.295/19

6. 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.
7. S.O. to 25.03.2021.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**C.P.NO.9/2020 IN O.A.NO.854/2019**  
**(Shri Bansidhar V. Golhar & Ors. Vs. S.N. Bolbhat & Anr.)**

**CORAM : Shri A.P. Kurhekar, Member(J)**  
[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Counsel for the Applicants on instruction from his clients requested for withdrawal of Contempt Petition.

3. Allowed to withdraw the Contempt Petition.

4. In view of above, the Contempt Petition is disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.854/2019**

**(Shri Bansidhar Vitthalarao Golhar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member(J)**

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Counsel for the Applicants on instruction from his clients states that they want to withdraw the Original Application and therefore, seeks permission.

3. Allowed to withdraw the Original Application.

4. In view of above, the Original Application is disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.544/2017**

**(Shri Vyankati Baliram Nilawad Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member(J)**

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. In Original Application challenge was to the departmental enquiry which has been concluded and Applicant has been exonerated during the pendency of the Original Application.

3. Learned Counsel for the Applicant therefore, seeks permission to withdraw the Original Application.

4. Allowed to withdraw the Original Application.

5. In view of above, the Original Application is disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**M.A.NO.145/2020 IN M.A.ST.NO.362/2020 IN  
O.A.ST.NO.363/2020  
(Shri Dnyanba Nagorao Dhapse & Ors. Vs. State of Maharashtra &  
Ors.)**

**CORAM : Shri A.P. Kurhekar, Member(J)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri Gaurav L. Deshpande, learned Counsel  
for the applicants and Shri S.K. Shirse, learned Presenting  
Officer for the respondents.

2. This is an application for leave to sue jointly.
3. Considering the cause of action pursued by the  
Applicants is common, concurrent and usual, the case is  
not required to be decided separately.
4. In this view of the matter, the present Misc.  
Application is allowed, subject to Applicants paying  
requisite Court Fees, if not already paid.
5. M.A.No.145/2020 is allowed. No order as to costs.

**MEMBER (J)**



**M.A.ST.NO.362/2020 IN O.A.ST.NO.363/2020**  
**(Shri Dnyanba Nagorao Dhapse & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member(J)**

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri Gaurav L. Deshpande, learned Counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 26.03.2021.

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

4. 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.

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.

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M.A.ST.362/2020 IN O.A.ST.363/2020

6. 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.

7. S.O. to 26.03.2021.

8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**M.A.ST.NO.345/2020 IN M.A.ST.NO.346/2020 IN  
O.A.NO.563/2014  
(Shri Tushar B. Rajput Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member(J)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri H.V. Tungar, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 26.03.2021.

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

4. 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.

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.

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M.A.ST.345/20 IN M.A.ST.346/20  
IN O.A.563/14

6. 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.
7. S.O. to 26.03.2021.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**M.A.50/2021 IN O.A.NO.223/2018**  
**(Shri Madhav V. Kale Vs. State of Maharashtra & Ors.)**

**CORAM : Shri A.P. Kurhekar, Member(J)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 18.02.2021**

**ORAL ORDER :**

Heard Shri Mohit Deshmukh, learned Counsel holding for Shri S.G. Chapalgaonkar, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

Shri S.N. Gaikwad, learned Counsel for the Respondent No.5 (**Absent**).

2. Issue notices to the respondents, returnable on 26.03.2021.

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

4. 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.

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.

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M.A.50/21 IN O.A.223/18

6. 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.
7. S.O. to 26.03.2021.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 482/2020  
(Kautik Yadavrao Kachole Vs. State of Mah. & Ors.)**

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

**DATE : 18.2.2021**

**ORAL ORDER :**

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. In this Original Application the applicant has challenged the order dated 28.10.2020 whereby he has been reinstated to the extent of his posting as Accounts Officer, Rural Development Department, Mantralaya, Mumbai, invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

3. The applicant was working as Accounts Officer in the office of Regional Deputy Director, Ground Water Survey & Development Agency, Aurangabad. He was arrested in Crime No. 177/2019 for the offences under the provisions of Prevention of Corruption Act, 1988. Consequently, he was suspended by an order dated 01.10.2019 by invoking rule 4 (1) (c) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. Later the Government reinstated the applicant by an order dated 28.10.2020 and posted him as

Accounts Officer in the Rural Development Department, Mantralaya, Mumbai.

4. Learned Advocate for the applicant sought to contend that the applicant ought to have been reposted at Aurangabad itself while reinstating him in service considering that he is due for retirement in the month of June, 2021 and personal difficulties.

5. Per contra, learned Chief Presenting Officer sought to justify the reinstatement of the applicant at Mantralaya, Mumbai on the basis of Government Circular dated 20.04.2013, which *inter alia* provides that at the time of reinstatement in service, the Government servant in the cadre of State service should be reposted in a division other than the original division.

6. Thus, only grievance pertains to the posting after reinstatement in service, which is also devoid of merit.

7. In this behalf, the Circular dated 20.04.2013 is material. The relevant portion of the said Circular reads as follows: -

“अ) राज्यस्तरीय संवर्गातील अधिकारी/कर्मचारी यांना त्यांचा मूळ महसूली विभाग (Division) व ज्या पदावर कार्यरत असताना निलंबित केले तो महसूली विभाग वगळून अन्यत्र अकार्यकारी पदावर नियुक्ती करण्यात यावी.”



8. It is thus quite clear from the Circular dated 20.04.2013 read with Government Resolution dated 14.10.2011 that where a Government servant of State cadre is reinstated, he should be reposted in the division other than his original division.

9. As stated above, the applicant was arrested for the offences under the Prevention of Corruption Act and consequently, he was arrested. As suspension of the applicant was continued for long time, the Government had taken a decision to reinstate him in service in terms of Government Resolution dated 14.10.2011, which *inter alia* provides for a periodical review of a Government servant under suspension and in deserving cases empowers the Government to reinstate in service Government servant because of non-conclusion of criminal case or departmental enquiry. Suffice to say it is within the domain of executive where to repost the suspended Government servant. Policy seems to be that person, who is suspended on serious allegation of commission of crime under the provisions of Prevention of Corruption Act or IPC could not be posted at the same place and indeed such person required to be reposted on non-executive post so that he should not indulge in such activities again. It is in terms of the policy and Circular dated 20.04.2013, the applicant has been reposted as Accounts

:: - 4 - ::  
**O.A. NO. 482/2020**

Officer in Rural Development Department, Mantralaya, Mumbai, which is in fact executive post.

10. The submission advanced by the learned Advocate for the applicant that the applicant was due for retirement in the month of June, 2021 and considering his personal difficulty, he should have been reposted at Aurangabad is devoid of any merit. He has no right for a particular post after reinstatement and revocation of suspension.

11. The totality of above discussion leads me to sum-up that the challenge to the impugned suspension order dated 28.10.2020 is totally devoid of merit and the present Original Application deserves to be dismissed. Hence, the following order: -

**ORDER**

The present Original Application is dismissed with no order as to costs.

**MEMBER (J)**

**Date : 18.02.2021**

**M.A.NO.43/2021 IN O.A.ST.NO.72/2021**

**(Khan Mohammad Arbaz S/o Mohammad Kazim  
Khan V/s Assistant Director of (Technical)  
Vocational Education and Training, Auranbagad.)**

**Per :- Standing directions of Hon'ble  
Chairperson, M.A.T., Mumbai**

1. Shri Shaikh Wajeed Ahmed, Id. Advocate for the applicant and Shri M.S. Mahajan, Id. C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A.No.43/2021, returnable on 26.04.2021. The case be listed for admission hearing on 26.04.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. 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 case. 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 as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**REGISTRAR**