

**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: <u>2/12/18</u></p> <p>CORAM Hon'ble Shri. A. P. Kurthekar, Member (J)</p> <p>APPEARANCE Shri./Smt. <u>B.A. Bandiwadekar</u> Advocate for the Applicant</p> <p><u>Shri./Smt. K.S. Gaikwad</u> C.P.O. for the Respondent's</p> <p><u>Adj.S.O. to MA is withdrawn.</u></p>	<p><u>M.A. No.661 of 2018 in O.A. No.691 of 2018</u></p> <p>M.N. Thosare ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In this MA No.661 of 2018 direction was sought to reinstate the applicant in service because of failure of the respondents to comply the directions given by this Tribunal in OA No.691 of 2018 decided on 31.10.2018.</p> <p>3. OA No.691 of 2018 was filed by the applicant challenging the suspension order dated 12.7.2018 and for reinstatement in service. OA was partly allowed with direction to the respondents to place the matter of suspension before the review committee and pass appropriate orders within one month from the date of judgment.</p> <p>4. Now in MA No.661/2018 the applicant has come with a grievance that the direction has not been followed by respondents in letter and spirit. The applicant has placed on record copy of letter dated 19.12.2018 issued by the Under Secretary, Sports & Youth Services Department wherein it is stated that the issue of suspension of the applicant was kept before the review committee. However, the review committee in its meeting held on 17.11.2018 decided to continue the suspension on the ground that investigation in criminal case is still in progress and they further decided to take review after two months.</p> <p>5. As such from letter dated 19.11.2018 it is quite clear that the subject of suspension of the applicant was placed before review committee. This being the position it cannot be said that there is no compliance of the directions given by this Tribunal in OA No.691 of 2018.</p>

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

Tribunal's orders

6. The correctness of the decision taken by the review committee in its meeting dated 17.11.2018 cannot be questioned in this MA. If the applicant feels aggrieved by the decision, he is free to challenge it now by filing fresh OA on the ground of new cause of action and the grounds as may be available to him. Therefore, this MA is not maintainable.

7. At this stage Ld. Advocate for the applicant sought permission to withdraw MA with liberty to file OA challenging the decision of review committee.

8. MA is allowed to be withdrawn with liberty to file fresh OA as may be permissible in law.

Sd/-

(A.P. Kurhekar)
Member (J)
21.12.2018

(sg)

(G.C.P.) J. 2260(B) (50,000—2-2015)

(Spl- MAT-F-2 E.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>21/12/18</u> CORAM Hon'ble Shri. A. P. Kurhekar, Member (J)</p> <p>APPEARANCE Shri. <u>K. R. Jagdale</u> Advocate for the Applicant</p> <p>Shri. <u>Ms. N. G. Gohad</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>17/1/19</u></p> <p><i>[Signature]</i></p>	<p><u>O.A. No.379 of 2018</u></p> <p>V.J. Pagare ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. In this OA affidavit in reply has been filed on behalf of respondents no.3 & 4 only and it was taken on record. Today matter is placed for filing reply on behalf of respondents no.1 and 2. However, no reply is filed on their behalf. At the request of Ld. Advocate for the applicant the matter is adjourned for filing rejoinder.</p> <p>3. S.O. to 17.1.2019.</p> <p>(sgj)</p> <p><i>[Signature]</i> Sd/- (A.P. Kurhekar) Member (J) 21.12.2018</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>21/12/18</u></p> <p><u>CORAM</u> Hon'ble Shri. A. P. Kurhekar, Member (J)</p> <p><u>APPEARANCE</u> Shri/Smt. <u>R.R. Jagdale</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>Ms. N.G. Gohad</u> C.P.O./T.O. for the Respondent/s</p> <p>Adj./S.O. to <u>17/1/19</u> Reply filed by R.A. No. 1324.</p> <p><i>[Signature]</i></p>	<p><u>O.A. No.380 of 2018</u></p> <p>V.J. Pagare ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Today Ld. PO has filed reply on behalf of respondents no.1, 3 and 4, which is taken on record. No reply is filed on behalf of respondent no.2. At the request of Ld. Advocate for the applicant the matter is adjourned for filing rejoinder.</p> <p>3. S.O. to 17.1.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J) 21.12.2018</p> <p>(sgj)</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
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O.A. No.491 of 2018

S.B. Gone Applicant
Vs.
The State of Maharashtra & Ors. Respondents

Applicant and his advocate both are absent. Heard Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. At the request of Ld. PO two weeks time is granted to file reply by way of last chance.

3. S.O. to 11.1.2019.

Sd/-

(A.P. Kurhekar)
Member (J)
21.12.2018

(sgj)

DATE: 21/12/18
FORUM
Honble Shri. A. P. Kurhekar, Member (J)

APPEARANCE
~~Shri/Smt. _____~~ Applicant and
~~advocate absent.~~
Advocate for the Applicant

~~Shri/Smt. Ms. N. G. Gohad~~
C.P.O./P.O. for the Respondent/s

Adj./S.O. to 11/1/19.



**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 : <u>21/12/18</u></p> <p><u>CORAM</u> Hon'ble Shri. A. P. Kurhekar, Member (J)</p> <p><u>APPEARANCE</u> Shri. B.A. Bandiwadkar Advocate for the Applicant</p> <p>Shri. <u>S.S. Deokar</u> Adv. for the Respondent's No. 1.</p> <p>Adj. S.O. to <u>Ms. S.P. Manchekar,</u> <u>Acc. No. 223</u> <u>S.O. to 9/1/19.</u></p>	<p><u>O.A. No.891 of 2017</u></p> <p>P.S. Patil & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicant, Shri S.S. Deokar, learned Advocate for Respondent no.1 and Miss S.P. Manchekar, learned Chief Presenting Officer for Respondents No.2 & 3.</p> <p>2. On last date matter was adjourned at the request of Ld. CPO to find out necessity of filing reply on behalf of respondents no.2 & 3. However, today Ld. CPO submitted that reply filed by respondent no.1 is enough and there is no need of filing reply on behalf of respondents no.2 and 3.</p> <p>3. In view of the above, Ld. Advocate for the applicant requests for adjournment for hearing at the stage of admission.</p> <p>4. S.O. to 9.1.2019.</p> <p>(sgl)</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J) 21.12.2018</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
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O.A. No.714 of 2018

R.M. Palande ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. PO undertakes to file reply during the course of the day. It be taken on record.

3. As the pleadings are complete the matter is admitted and kept for final hearing on 21.1.2019.

Sd/-

(A.P. Kurhekar)
Member (J)
21.12.2018

(sgj)

DATE: 21/12/18

CORAM
Honble Shri. A. P. Kurhekar, Member (J)

APPEARANCE
Shri. K.R. Jagdale

Advocate for the Applicant

Smt. Archana B.K.

~~C.P.O.~~ for the Respondent/s
D.A. as admitted.

Adj./S.O. to 21/1/19

Reply filed by
Respondent no. 1,384.

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

Tribunal's orders
O.A. No.1112 of 2018

A.M. Mali ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri S.B. Thorat, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. Issue notice returnable on 18.1.2019.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. 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. 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. Applicant is directed to file affidavit of compliance and notice.
7. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.

DATE : 21/12/18

CORAM

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

APPEARANCE

Shri. S. B. Thorat

Advocate for the Applicant

Shri. Ms. N.G. Gohad
C.P.O./P.O. for the Respondent/s

Adj./S.O. to 18/1/19

Sd/-

(A.P. Kurhekar)
Member (J)
21.12.2018

(sgj)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A. No.189 of 2017
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P.B. Bagul ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri R.M. Kolge, learned Advocate with Shri M.L. Dhone, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. In this OA directions were sought to release pensionary benefits to the applicant which seems to have been withheld because institution of DE. The applicant stood retired on 31.5.2016. After retirement DE was instituted.

3. Today Ld. Advocate for the applicant has tendered a copy of order passed by Govt. on 11.9.2018 (marked 'X' for identification) which shows that the DE has been concluded and the punishment of reduction of 10% pension for one year has been proposed. Show cause notice has been given as to why punishment could not be confirmed. In pursuance of it the applicant submitted reply on 14.9.2018. The Ld. Advocate for the applicant has also produced copy of reply dated 14.9.2018 (marked 'Y' for identification). Perusal of this reply reveals that applicant has accepted the proposed punishment. As such now only final order of punishment as proposed by order dated 11.9.2018 remains to be issued. In view of the above, Ld. Advocate for the applicant as well as Ld. PO submitted to dispose off the OA.

4. In view of order passed by Government dated 11.9.2018 and the reply given by the applicant dated 14.9.2018 the respondents are directed to pass final order expeditiously and accordingly release the pensionary benefits as per rules and entitlement of the applicant. OA disposed off accordingly with no order as to costs.

DATE: 21/12/18

CORAM

Honble Shri. A. P. Kurhekar, Member (J)

APPEARANCE

Shri. Smt. A.M. Kolge
with M.L. Dhone.
Advocate for the Applicant

Smt. K.S. Gaikwad
P.O. for the Respondents

As per order O.A. is disposed off.

Sd/-

(A.P. Kurhekar)
Member (J)
21.12.2018

(sgj)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders MA No.655/18 with MA No.656/18 in OA No.560/2018
<p>DATE : 21/12/18</p> <p>CORAM Hon'ble Shri. A. P. Kurhekar, Member (J)</p> <p>APPEARANCE Shri/Smt. Archana B.K. Advocate for the Applicant Ld. PO. Leave note of Shri/Smt. Punam Mahajan G.P.O. for the Respondent's No.3 K.R. Jagdale for Respondent Adv. S.O. to original Applicant M.A. 655/18 is disposed of and M.A. 656/18 is allowed.</p>	<p>The State of Maharashtra & Ors. ..Applicants Vs. Shri Prashant S. Pawar ..Respondent</p> <p>Heard Smt. Archana B.K., learned Presenting Officer for Applicants-original respondents no.1 & 2 and Shri K.R. Jagdale, learned Advocate for the Respondent-original Applicant. Smt. Punam Mahajan, learned Advocate for original Respondent No.3 has filed leave note.</p> <p>2. MA No.656/2018 is for condonation of delay of 28 days caused in filing MA No.655/2018 which is for extension of time.</p> <p>3. OA No.560/2018 has been disposed off by this Tribunal by judgment dated 5.10.2018 whereby six weeks time was granted to the respondents to take decision considering the option given by applicant as per preference in terms of stage 5 of GR dated 9.4.2018. As this exercise could not be completed within six weeks MA No.655 of 2018 has been filed for extension of time along with MA No.656 of 2018 for condonation of delay.</p> <p>4. Perusal of the MA reveals that the department has initiated the process to consider the choice given by the applicant but it got delayed and could not be finalized. As such it is not the case that no steps have been taken by the respondents in pursuance of the directions given in OA. Final decision could not be taken because of procedural difficulties. I am, therefore, satisfied that the reasons shown for delay are sufficient. The delay of 28 days is accordingly condoned. MA No.656 of 2018 is accordingly allowed.</p> <p>5. So far as MA No.655/2018 is concerned Ld. PO requests extension for four weeks time. As already enough time is taken by the respondents I am not inclined to grant four weeks time. OA has been disposed off on 5.10.2018 and period of about 3 months is over. However, considering the steps taken by the respondents now it would be appropriate to grant two weeks time from today for compliance of the directions by this Tribunal by order dated 5.10.2018. No further extension will be granted. Ld. PO to take note of it and act accordingly. No order as to costs.</p> <p>6. Hamdast and steno copy is granted.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J) 21.12.2018</p> <p>(sgl)</p>

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

Tribunal's orders
M.A. No.662 of 2018 in O.A. No.555 of 2018

N.P. Shendkar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. In this MA interim relief is sought to keep the post of Senior Lecturer viz. Shri D.E. Patil vacant on account of his superannuation on 31.12.2018.

3. Earlier by transfer order dated 17.7.2017 applicant was transferred at Pune in place of Smt. Bhalerao. However, Smt. Bhalerao had filed OA No.904 of 2017 seeking stay to the transfer order wherein interim relief was granted. In view of it Government by order dated 31.10.2017 made some interim arrangement by giving posting to the applicant at Satara which was purely temporary arrangement in view of the interim relief granted to Smt. Bhalerao in OA No.904/2017.

4. It is on this background now interim relief is sought in MA No.662/2018 to keep the post of Shri D.E. Patil vacant in view of his superannuation due on 31.12.2018. As such in short the applicant wants his posting at Pune which was already granted to him in order dated 17.7.2017. OA No.555 of 2018 is subjudice.

5. I am satisfied that some sort of interim relief needs to be granted to consider the claim of the applicant for his posting in place of Shri D.E. Patil.

6. In view of the above interim relief in terms of para 4(a) of MA is granted till final hearing of OA No.555 of 2018.

7. OA No.555 of 2018 be expedited and final hearing arguments will be heard on scheduled date on 7.1.2019. In view of the above MA stands disposed off.

Sd/-

(A.P. Kurhekar)
Member (J)
21.12.2018

(sgl)

DATE : 21/12/18

CORAM

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

APPEARANCE

Shri/Smt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. Archana B.K.

C.P.O./P.O. for the Respondent/s

Adv. to M.A. disposed
of.

**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>DATE : <u>21/12/18</u></p> <p>CORAM Hon'ble Shri. A. P. Kurhekar, Member (J)</p> <p>APPEARANCE Shri/Smt. <u>A.U. Chavan</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>K.S. Gaikwad</u> C.O./P.O. for the Respondent/s</p> <p>Adj./S.O. to <u>15/1/19</u> Reply Filed GgR-100-1 <i>[Signature]</i></p>	<p align="center"><u>O.A. No.1131 of 2017</u></p> <p>A.U. Chavan ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri A.U. Chavan, Applicant in person and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.. Applicant's advocate is absent.</p> <p>2. Today Ld. PO has filed reply on behalf of respondent no.1 and the same is taken on record. Ld. PO has pointed out that respondents no.2 to 10 officials of the Police Department are made respondents personally which is unwarranted in the facts and circumstances of the case. Whereas applicant in person stated that they were joined in their personal capacity as he wanted some explanation from them as they handled the matter of transfer and are required to give their explanation.</p> <p>3. In OA challenge is to the impugned transfer order dated 25.11.2017 whereby the applicant has been transferred from Wadala Police Station to Armed Police, Mumbai. As such there is no need to implead respondents no.2 to 10 in personal capacity.</p> <p>4. The applicant fairly stated that he is ready to delete their names. The names of respondents no.2 to 10 be deleted.</p> <p>5. As the pleadings are complete the matter is adjourned for final hearing.</p> <p>6. S.O. to 15.1.2019.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J) 21.12.2018</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE : <u>21/12/18</u> CORAM Honble Shri. A. P. Kurhekar, Member (J)</p> <p>APPEARANCE Shri/Smt. <u>K. Redekar</u> Advocate for the Applicant</p> <p><u>Shri/Smt. K.S. Gaikwad</u> C.P.O./P.O. for the Respondent's</p> <p><u>Adj./S.O. to O.A. is withdrawn.</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>Date : 21.12.2018.</p> <p style="text-align: center;">O.A.No.624 of 2018 (Subject : Transfer)</p> <p>A.W. DeshmukhApplicant. Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K. Redekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. In this O.A. challenge is to the transfer order dated 11.07.2017. Perusal of O.A. reveals that at the time of impugned order applicant was serving at Nagpur. By the impugned order dated 11.07.2017 Applicant was transferred from the office of Special Inspector General of Police, Nagpur range to the office of Commandant S.R.P.F., Group IV, Nagpur.</p> <p>3. This being the position, Original Application ought to have been filed at Nagpur Bench. It seems that the application has been filed in this Tribunal only because the applicant has given his address of Santacruz, Mumbai. In fact at the time of impugned order the Applicant was serving at Nagpur and therefore place of normal residence is of Nagpur. As such this Tribunal has no jurisdiction to entertain this O.A.</p> <p>4. At this stage learned Advocate for the Applicant requested for permission to withdraw the application with liberty to file the application at Nagpur Bench.</p> <p>5. Allowed to withdraw the O.A. with liberty to file application afresh at Nagpur Bench which will be entertained according to law. No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. KURHEKAR) MEMBER(J)</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>21/12/18</u></p> <p>MEM Honble Shri. A. P. Kurhekar, Member (J)</p> <p>APPEARANCE Shri. M. R. Patil..... Advocate for the Applicant</p> <p>Shri. Ms. N. G. Gohad C.P.O. for the Respondent's</p> <p>Ad. SO to OA 818/18 is disposed of. <i>[Signature]</i></p>	<p>Date : 21.12.2018.</p> <p>O.A.No.818 of 2018 (Subject : Gratuity and Retirement Benefits)</p> <p>A.G. RaoApplicant. VersusRespondents. The State of Maharashtra & Ors.</p> <p>1. Heard Shri M.R. Patil, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A. directions are sought for early release of retiral benefits and gratuity. It seems that the said benefits were withheld as the Department was contemplating to initiate the Departmental enquiry. However today, Shri Suhas S. Mohite, Joint Commissioner (Law), Food and Drug Administration, Mumbai made a statement that no Departmental Enquiry is proposed against the Applicant. He further stated that all admissible retiral benefits will be released within three months. His statement is accepted.</p> <p>3. In view of the above O.A. No.818 of 2018 is disposed with following directions.</p> <p style="text-align: center;">ORDER</p> <p>(i) O.A. is partly allowed.</p> <p>(ii) Respondents are directed to release admissible retiral benefits to the applicant within three months from today.</p> <p>(iii) Applicant will be at liberty to approach the Department independently for interest, if admissible.</p> <p>(iv) Hamdast is allowed.</p> <p style="text-align: right;">Sd/- (A.P. KURHEKAR) MEMBER(J)</p> <p>prk</p>

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

Tribunal's orders
O.A. No.1094 of 2018

R.R. Thakkar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri U.V. Bhosale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Issue notice returnable on 11.1.2019.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. 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. 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. Applicant is directed to file affidavit of compliance and notice.
7. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.

DATE : 21/12/18

CORAM

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

APPEARANCE

Shri./Smt. U.V. Bhosale

Advocate for the Applicant

Shri./Smt. Archana B.K.

C.P.O./P.O. for the Respondent/s

Adj./S.O. to 11/1/19.

Sd/-

(A.P. Kurhekar)
Member (J)
21.12.2018

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 1132 OF 2018**

DISTRICT : MUMBAI

Shri Dineshsing A. Chandel)...**Applicant**

Versus

The State of Maharashtra & Ors)...**Respondents**

Shri D.B Khaire, learned advocate for the Applicant.

Smt Kranti S.G aikwad, learned Presenting Officer for the Respondents.

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

DATE : **21.12.2018**

ORDER

1. Heard Shri D.B Khaire, learned advocate for the Applicant and Smt Kranti S.G aikwad, learned Presenting Officer for the Respondents.

2. In the present Original Application, challenge is to the impugned transfer order dated 10.12.2018, whereby in place of the applicant, Respondent no. 3 Shri Adinath L. Dagade has been posted as Deputy Registrar, Cooperative Societies, Thane Taluka. Significantly no consequential posting order of the applicant has been issued.

3. The applicant has challenged the impugned transfer order on the ground that it is mid-term and in contravention of provisions of Section 4(4)(ii) & 4(5) of ROT Act, 2005.

4. On the above background, learned advocate for the applicant seek interim stay to the transfer order dated 10.12.2018.

5. Learned Presenting Officer Smt Kranti S. Gaikwad, has produced the file containing the minutes of the Civil Services Board and approval of the Hon'ble Chief Minister

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6. Interesting to note that Respondent no. 3, Shri Adinath L. Dagade has been proposed to be posted at Jalgaon as per minutes of the Civil Services Board. However, Hon'ble Chief Minister approved the proposal for posting Respondent no. 3 Shri Adinath L. Dagade as Deputy Registrar, Cooperative Societies, Thane Taluka (in place of applicant).
7. As such though the recommendation of Civil Services Board was for posting of Respondent no. 3 at Jalgaon, Hon'ble Chief Minister directed for his posting at Thane by displacing the applicant.
8. No consequential posting order in respect of the applicant has been issued and he has been kept in abeyance. This being a mid-term transfer, there has to be compliance of provisions of Sec 4(4)(ii) of the ROT Act, 2005. There has to be special case for such mid-term transfer and reasons are required to be recorded.
9. However, in the present case, there is absolutely no compliance of recording ~~of reasons~~ of reasons. Prima facie, the impugned transfer order has been issued only to accommodate Respondent no. 3, who was waiting for posting for more than 2 months. As such prima facie there is contravention of Section 4(4)(ii) & 4(5) of ROT Act, 2005.
10. In view of the above, I am satisfied that it is fit case to grant interim relief to stay the execution and implementation of the impugned transfer order dated 10.12.2018 and status quo ante is granted.
11. Accordingly, interim relief in terms of prayer 11(a) is granted till filing of reply.
12. Issue notice returnable on 18.1.2019.
13. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
14. 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.
15. 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.
16. 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.

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

18. S.O to 18.1.2019. Hamdast granted.

A.P. Kurhekar
Sd/-

w
(A.P Kurhekar)
Member (J)

Place : Mumbai
Date : 21.12.2018
Dictation taken by : A.K. Nair.

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