

**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: 23.05.2023</p> <p align="center">O.A. No.575 of 2023 (Division Bench matter placed before Single Bench in Vacation)</p> <p>K.R. Dighe & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Shri S.S. Dere & Asso., learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicants sought interim relief to stay communication dated 03.05.2023 issued by the Superintendent of Police, Raigad whereby Show Cause Notice was issued to them as to why their candidature should not be cancelled in terms of the decision rendered by the Tribunal in O.A. No.144/2022 decided with connected O.As. on 17.03.2023.</p> <p>3. Indeed, in similar situation the Tribunal by order dated 09.05.2023 passed in O.A. No.538 & 539/2023 granted the relief of status-qua in terms of the order passed by the Hon'ble High Court in Writ Petition No.5299/2023 dated 24.04.2023. The Applicants have sought time by making an representation to the Superintendent of Police, Raigad for submitting Reply and in the mean time they have filed this O.A. challenging the communication dated 03.05.2023.</p> <p>4. The Applicants are already selected and are in services as fairly conceded by learned P.O., ^{where} where their candidature is required to be cancelled in terms of the decision rendered by the Tribunal is again under challenge² in Writ Petition No.5299/2023 which is subjudice before Hon'ble High Court, in which Hon'ble High Court has granted status-qua so as to protect the services of the employees who are similarly situated.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. In view of above, Respondents are directed to maintain status-qua as on today qua Applicants till next date.</p> <p>6. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>7. Issue notice before admission returnable on 22.06.2023.</p> <p>8. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>10. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>11. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>12. S.O. to 22.06.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.467/2023</u> <u>(From Nagpur Bench through Video Conferencing)</u></p> <p>Shri A.D. Rathod ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri A.S. Dhore, learned Advocate for the Applicant and Shri M.I. Khan, learned Chief Presenting Officer for Respondents through Video Conferencing. 2. Considering the pleadings and submissions, in my considered opinion, this is not a case to grant interim relief without hearing the Respondents. 3. Issue notice to the Respondents made returnable on 16th June, 2023. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 5. 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. 6. 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. 7. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the O.A. shall stand dismissed. 8. 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. 9. S.O. to 16th June, 2023. <p style="text-align: right;">Sd/- <i>(Signature)</i> (A.P. Kurhekar) Member-J 23.05.2023</p> <p>(skw)</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 style="text-align: center;"><u>O.A.461/2023</u> <u>(From Nagpur Bench through Video Conferencing)</u></p> <p>Smt. S.B. Dhewale ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Shri A. Mardikar, learned Advocate for the Applicant, Shri M.I. Khan, learned Chief Presenting Officer for Respondents and learned Advocate for Respondent No.6 through Video Conferencing.</p> <p>2. The Applicant has challenged the order dated 16.05.2023 whereby her request for transfer from Nagpur to Amravati has been rejected. She is seeking transfer to Amravati on the ground that her husband is working at Amravati and in view of policy decision of the Government, she is required to be given posting at Amravati. She made representation, but it was rejected by order dated 16.05.2023 which does not disclose any reasons.</p> <p>3. In view of above, the claim of the Applicant as to whether she is entitled to transfer at Amravati is required to be decided on merit after considering the Affidavit-in-reply of the Respondents.</p> <p>4. The Respondents are directed to file Affidavit-in-reply by next date.</p> <p>5. S.O. to 15th June, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 23.05.2023</p> <p>(skw)</p>

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

Tribunal's orders

O.A.386/2023

(From A'bad Bench through Video Conferencing)

Shri G.G. Waware ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

1. Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri Milind Mahajan, learned Chief Presenting Officer for Respondents through Video Conferencing.

2. The Applicant has challenged the suspension order dated 18.10.2022 on the ground of prolong suspension. According to him, he is suspended because of registration of offence in which he is acquitted, and therefore, entitled to reinstatement in service.

3. Issue notice to the Respondents made returnable on 16th June, 2023.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "**for Dismissal**" and thereafter on the subsequent date the O.A. shall stand dismissed.

7. 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.

8. S.O. to 16th June, 2023.

Sd/-

(A.P. Kurhekar)
Member-J
23.05.2023

(skw)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate))

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A.299/2023 with M.A.909/2023</u> <u>(From A'bad Bench through Video Conferencing)</u></p> <p>Shri S.B. Khedkar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri Milind Mahajan, learned Chief Presenting Officer for Respondents through Video Conferencing.</p> <p>2. In this matter, the Tribunal has already granted interim relief by order dated 11.05.2023 and matter was adjourned to 8th June, 2023 for filing Affidavit-in-reply/Rejoinder.</p> <p>3. This M.A. is filed by Respondent No.3 to add him by name, since he is holding additional charge and claims to be aggrieved person.</p> <p>4. The learned CPO sought time to file reply to M.A. He is directed to file reply to M.A. on or before 8th June, 2023.</p> <p>5. S.O. to 8th June, 2023.</p> <p align="right">Sd/- ^N (A.P. Kurhekar) Member-J 23.05.2023</p> <p>(skw)</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 style="text-align: center;"><u>O.A.385/2023</u> (From A'bad Bench through Video Conferencing)</p> <p>Shri N.R. Bhoknal ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Shri V.B. Wagh holding for Shri R.V. Naiknaware, learned Advocate for the Applicant and Shri Milind Mahajan, learned Chief Presenting Officer for Respondents through Video Conferencing.</p> <p>2. The Applicant sought direction that he is eligible and qualified for the post of Assistant Commissioner of Social Welfare in terms of Advertisement issued by MPSC. His grievance is that though he possesses requisite qualification, his Form is not accepted and informed that he is not eligible for the post since qualification did not match.</p> <p>3. The last date for submitting application is 5th June, 2023 and thereafter only further process will be followed.</p> <p>4. The learned C.P.O. submits that he will take instruction about the reasons for rejection of the candidature of the Applicant and would appraise the Tribunal on 5th June, 2023.</p> <p>5. In view of above, at this juncture, I am not inclined to grant interim relief and it is kept open.</p> <p>6. Issue notice to the Respondents made returnable on 5th June, 2023.</p> <p>7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p style="text-align: right;">[PTO.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. 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.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.</p> <p>10. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed.</p> <p>11. 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.</p> <p>12. S.O. to 5th June, 2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member-J 23.05.2023</p> <p>(skw)</p>

**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: 23.05.2023</p> <p align="center">M.A. No.21 of 2023 in R.A. No.03 of 2023 in O.A. No.84 of 2019 (Nagpur) (Through Video-Conferencing)</p> <p>The State of Maharashtra & Ors. (Org. Resps.)....Appl. Versus P.S. Gaidhane (Org. Appl.)Resps.</p> <ol style="list-style-type: none"> 1. Heard Shri M.I. Khan, learned Chief Presenting Officer for the Applicants (Org. Respondents). None for the Respondent (Org. Applicant). 2. M.A. is filed for extension of four months time to comply the order passed by the Tribunal on 28.02.2023. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 15.06.2023. 5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. 6. 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. 7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>9. - S.O. to 15.06.2023.</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.589 OF 2023

Smt. Madhavi K. Gadekar)...**Applicant**

Versus

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

Shri M.D. Lonkar, Advocate for Applicant.

Shri A.J. Chougule, Presenting Officer for Respondents.

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 23.05.2023

ORDER

1. The Applicant has challenged the order dated 05.04.2023 issued by Respondent No.4 – Joint Commissioner, State Tax whereby directions were issued to stop next increment due on 01.07.2023 and further directions were also issued to recover excess payment by cancelling increments granted on 1st July, 2021 and 1st July, 2022 because of failure of the Applicant to pass departmental examination.

2. The learned Advocate for the Applicant has pointed out that in terms of 'Departmental examination for Sales Tax Inspectors and Higher Clerical Staff of the Sales Department Rules, 1972' in addition to 3 chances, the Applicant is entitled to one more chance to pass the examination in the discretion of the Department. He submits that Applicant appeared for 4th chance and has secured 43 marks in Paper No.4 and 48 marks in Paper No.5, since in Paper No.6 he already got exemption by obtaining 60 marks. He has pointed out that in terms of

W. S. K.

'Departmental Examination Rules of 1972', the standard of passing examination shall be 40% in each Paper, and therefore, Department ought to have held that he cleared the examination. However, Government by G.R. dated 31.03.2021 (Page No.66 of P.B.) increased the standard of passing examination by making it 50% and it is on the basis of it, the Applicant is held failed in the examination.

3. Thus, though 'Departmental Examination Rules of 1972' prescribes standard of passing examination at 40%, subsequently by G.R., it is enhanced upto 50%. According to learned Advocate for the Applicant, in absence of any amendment in 'Departmental Examination Rules of 1972', the percentage of marks cannot be increased by issuance of G.R. He, therefore, sought stay to the order dated 05.04.2023.

4. By order dated 05.04.2023, now recovery is sought and fresh increment due on 1st July, 2023 is also stopped.

5. In view of above, considering the pleadings and submissions, I am inclined to grant interim relief to the extent of recovery about cancellation of increments granted on 1st July, 2021 as well as 1st July, 2022 only.

6. Issue notice to the Respondents made returnable on 15th June, 2023.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

8. 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.

9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.

10. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed.

11. 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.

12. S.O. to 12th June, 2023.

Sd/-

(A.P. KURHEKAR)
Member-J

skw

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**ORIGINAL APPLICATION NO.585 OF 2023
WITH
ORIGINAL APPICATION NO.592 OF 2023**

Shri Yogesh B. Sarje & 2 Ors.)...**Applicants in O.A.No.585/2023**
Shri Kiran W. Wankhede.)...**Applicant in O.A.No.592/2023**

Versus

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

Shri M.D. Lonkar, Advocate for Applicant.

Shri A.J. Chougule, Presenting Officer for Respondents.

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 23.05.2023

ORDER

1. Both these O.As. are from Aurangabad Bench and Nagpur Bench and are placed before me at Mumbai.

2. In O.A.No.585/2023, three Applicants have challenged the transfer order dated 19.05.2023. Applicant No.1 – Yogesh B. Sarje is transferred from Rahuri, District Ahmednagar to Bhadgaon, District Jalgaon. Applicant No.2 – Arjun D. Barge is transferred from Rahuri, Ahmednagar to Shrigonda, District Ahmednagar and Applicant No.3 – Krushna A. Devdhe is transferred from Shevgaon, District Ahmednagar to Shegaon, District Buldhana. The Applicants were due for transfer, but their grievance is that their options were not considered and second grievance is that no fresh options were called while transferring them in 2023. The

Wankhede

Applicants were admittedly due for transfer in 2022 and that time, options were called. However, they were retained. Now, they are transferred by General Transfers of 2023 by impugned transfer order dated 19.05.2023.

3. In O.A.No.592/2023, the Applicant who was working as Accountant and Auditor at Chikhli, District Buldhana is transferred to Mowad, District Nagpur by transfer order dated 19.05.2023. He challenged the transfer order on the ground that his options were not considered. He contends that though he was due for transfer in 2022 and has given options in 2022 itself, he was retained, but now in General Transfers of 2023, he is transferred by order dated 19.05.2023 without calling fresh options. His grievance thus pertained to non-consideration of his options in terms of G.R. dated 09.04.2018.

4. In view of above, these are not the cases to grant interim relief.

5. Issue notices to the Respondents made returnable on 12th June, 2023.

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

7. 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.

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. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed.

10. 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.

11. S.O. to 12th June, 2023.

12. Since O.A.No.585/2023 pertain to Aurangabad Bench and O.A.No.592/2023 pertain to Nagpur Bench, the R & P be sent to Aurangabad Bench and Nagpur Bench immediately.

Sd/-

W*

(A.P. KURHEKAR)
Member-J

skw

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.584 OF 2023

Shri Dynaneshwar B. Jagtap)...Applicant

Versus

1. The State of Maharashtra & 2 Ors.)...Respondents

Shri M.D. Lonkar, Advocate for Applicant.

Shri A.J. Chougule, Presenting Officer for Respondents.

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 23.05.2023

ORDER

1. This O.A. is from Aurangabad Bench and placed before me at Mumbai.
2. The Applicant has challenged the transfer order dated 19th May, 2023 whereby he is transferred from Pathardi, District Ahmednagar to Vadvani, District Beed *inter-alia* contending that his options were not considered, and therefore, transfer order is in violation of G.R. dated 09.04.2018.
3. Admittedly, Applicant was due for transfer in 2022 itself. Notably, in 2022, he gave options, but that time he was not transferred. He is transferred in General Transfers of 2023.
4. The learned Advocate for the Applicant raised the grievance that in 2023, fresh options were not called and secondly, the options given in



2022 (Page No.24) were also not considered. According to him, Applicant's options ought to have been considered in terms of G.R. dated 09.04.2018.

5. The learned P.O. submits that Applicant has completed normal tenure, and therefore, the question of interim relief does not survive. He thus opposed the interim relief.
6. Thus, admittedly, Applicant has completed normal tenure and due for transfer. In fact, he is overdue. Insofar as question of consideration of options is concerned, the issue is required to be decided on merit.
7. In view of above, this is not a case to grant interim relief.
8. Issue notices to the Respondents made returnable on 14th June, 2023.
9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
10. 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.
11. 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.
12. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for

Dismissal” and thereafter on the subsequent date the O.A. shall stand dismissed.

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. Applicant is directed to file Affidavit of compliance and notice.

14. S.O. to 12th June, 2023. The said O.A. be sent to Aurangabad Bench immediately to which it is pertain.

Sd/-

(A.P. KURHEKAR)
Member-J

skw

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.583 OF 2023

Shri Ajay V. Dalvi.)...**Applicant**

Versus

1. The State of Maharashtra & 3 Ors.)...**Respondents**

Smt. Punam Mahajan, Advocate for Applicant.

Shri A.J. Chougule, Presenting Officer for Respondents.

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 23.05.2023

ORDER

1. The Applicant who is serving as Inspector, State Excise has challenged the transfer order dated 19th May, 2023 whereby he is transferred from 'E' Division, Mumbai City to M/s. Nagpur Distilleries, Nagpur *inter-alia* contending that he is transferred before completion of 3 years' tenure, and therefore, in absence of any special reasons, he cannot be transferred, that too, in absence of approval of next higher competent transferring authority i.e. Chief Minister.

2. The learned Advocate for the Applicant submits that initially, Applicant was given Nashik Revenue Division, but Government by order dated 06.08.2020 changed his Division from Nashik to Konkan-2. Thereafter, Government by order dated 10.08.2020 transferred the Applicant from Ahmednagar to 'E' Division, Mumbai City. Now, by transfer order dated 19.05.2023, he is transferred from Mumbai to Nagpur. The learned Advocate for the Applicant sought to contend that

h/s

since Applicant has not completed normal tenure of 3 years at Mumbai, and therefore, transfer order dated 19.05.2023 is mid-term and mid-tenure and in absence of special reasons as well as approval of Chief Minister, it is bad in law. On this line of submission, interim relief is prayed.

3. Whereas learned P.O. has pointed out that Applicant had joined at Ahmednagar in view of transfer order dated 27.03.2017 and was due for transfer in General Transfers of 2020 which were to be effected in the month of April/May of 2020. However, because of Covid-19 pandemic situation General Transfers were not effected in April/May and were postponed. Ultimately, Government transferred the Applicant amongst others by order dated 10.08.2020. Thus, the fact remains that Applicant while serving at Ahmednagar was due for transfer in General Transfers of 2020, but the transfer orders were delayed because of Covid-19 pandemic situation.

4. It is on the above background, the Applicant is considered due for transfer from Mumbai though he joined there by order dated 10.08.2020. The perusal of file tendered by learned P.O. reveals that Government has considered the cases of 30 employees as deemed to have completed normal tenure and transferred them otherwise all those employees would have been over-stayed and to avoid it, Applicant amongst other 30 employees is transferred. There is approval of Civil Services Board as well as Minister Incharge of the Department.

5. The learned P.O. has also pointed out that by G.R. dated 19.05.2017, the powers of special transfers are also delegated to the Minister Incharge of the Department, invoking Section 6 of 'Transfer Act 2005'.

6. The learned P.O. has pointed out that in similar situation in **O.A.540/2023 (Rajendra H. Shinde Vs State of Maharashtra & Ors.)**

in similar situation, the Tribunal by order dated 9th May, 2023 rejected the interim relief.

7. Insofar as non-consideration of options are concerned, the Applicant has given options of Mumbai only though he is transferrable throughout Maharashtra. Whether Applicant is entitled to claim posting as per options on the ground of family difficulties, health, etc., it cannot be decided at this stage.

8. In view of above, I am not inclined to grant interim relief.

9. Issue notices to the Respondents made returnable on 14th June, 2023.

10. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.

13. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed.

14. 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.

15. S.O. to 14th June, 2023.

Sd/-

(A.P. KURHEKAR)
Member-J

skw

**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><u>O.A.597/2023</u></p> <p>Shri R.N. Andhale ... Applicant Vs.</p> <p>The State of Mah. & ors. ... Respondent/s</p> <p>1. Shri V.B. Wagh, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for Respondents is present.</p> <p>2. This matter pertained to Division Bench, but placed before Single Bench for consideration of urgent relief.</p> <p>3. The Applicant has challenged the Show Cause Notice dated 11.05.2023 whereby Applicant was directed to submit his explanation within 7 days as to why his promotion being in excess of quota for disabled persons should not be cancelled.</p> <p>4. The perusal of record reveals that Applicant was promoted initially on ad-hoc basis as Agriculture Supervisor and later Respondent No.1 by order dated 07.03.2022 issued regular promotion order and since then he is working on the said post.</p> <p>5. In Show Cause Notice dated 11.05.2023, it is stated that Applicant was given promotion from the category reserved for disabled persons, but only 3 posts are sanctioned and Applicant's promotion from the said category was in excess. He was, therefore, called upon to submit explanation as to why his promotion should not be cancelled. The Applicant has not yet submitted his reply to the Show Cause Notice and claimed protection against coercive action.</p> <p>6. Though there is no specific reference in promotion order dated 07.03.2022 that Applicant</p>

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

Tribunal's orders

was promoted from category reserved for disabled persons, it appears that he was promoted from the said category, as seen from the minutes of DPC shown by learned Advocate for the Applicant.

7. The learned Advocate for the Applicant submits that Applicant has received Show Cause Notice on 19th May, 2023 and would submit the explanation/reply soon.

8. In view of above, as presently Applicant is serving on the promotional post, no further coercive action against him in pursuance of Show Cause Notice dated 11.05.2023 till next date.

9. Issue notice returnable on 16th June, 2023.

10. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.

13. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "**for Dismissal**" and thereafter on the subsequent date the O.A. shall stand dismissed.

14. 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.

15. Matter be placed before Division Bench on 16th June, 2023.

Sd/-

(A.P. Kurhekar)
Member-J
23.05.2023

(skw)

**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><u>O.A.387/2023</u> <u>(From A'bad Bench through Video Conferencing)</u></p> <p>Shri S.M. Landge ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri V.B. Wagh, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for Respondents is present.</p> <p>2. This matter pertained to Division Bench, but it is placed before Single Bench for consideration of urgent relief.</p> <p>3. The Applicant has challenged the Show Cause Notice dated 11.05.2023 whereby Applicant was directed to submit his explanation within 7 days as to why his promotion being in excess of quota for disabled persons should not be cancelled.</p> <p>4. The perusal of record reveals that Applicant was promoted initially on ad-hoc basis as Agriculture Supervisor and later Respondent No.1 by order dated 07.03.2022 issued regular promotion order and since then he is working on the said post.</p> <p>5. In Show Cause Notice dated 11.05.2023, it is stated that Applicant was given promotion from the category reserved for disabled persons, but only 3 posts are sanctioned and Applicant's promotion from the said category was in excess. He was, therefore, called upon to submit explanation as to why his promotion should not be cancelled. The Applicant has not yet submitted his reply to the Show Cause Notice and claimed protection against coercive action.</p> <p>6. Though there is no specific reference in promotion order dated 07.03.2022 that Applicant was promoted from category reserved for disabled</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>persons, it appears that he was promoted from the said category, as seen from the minutes of DPC shown by learned Advocate for the Applicant.</p> <p>7. The learned Advocate for the Applicant submits that Applicant has received Show Cause Notice on 19th May, 2023 and would submit the explanation/reply soon.</p> <p>8. In view of above, as presently Applicant is serving on the promotional post, no further coercive action against him in pursuance of Show Cause Notice dated 11.05.2023 till next date.</p> <p>9. Issue notice returnable on 16th June, 2023.</p> <p>10. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. 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. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed.</p> <p>14. 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.</p> <p>15. Matter be placed before Division Bench on 16th June, 2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member-J 23.05.2023</p>

(skw)

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 style="text-align: center;"><u>O.As.598 & 599/2023</u></p> <p>Dr. C.S. Lone Dr. D.D. Patil ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri J.S. Deshmukh, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for Respondents is present.</p> <p>2. In these O.As, the Applicants are seeking the benefit of extension of two years' service pursuant to the Notification dated 23.02.2022 whereby Rule 10 of M.C.S. (Pension), Rules, 1982 is amended. As per these amendments, the Medical Officers in Group 'A' cadre is given extension of two years' service and they would stand retire on completion of age of 60 years.</p> <p>3. The Applicant claims to be serving as Medical Officer, Group 'A' and both are due to retire on 31.05.2023. The Department had issued retirement order to that effect.</p> <p>4. The learned Advocate for the Applicant has pointed out that in view of decision rendered by the Tribunal in O.A.469/2022 decided with connected O.As on 04.01.2022, the Medical Officers placed in Group 'B' by virtue of GR. Dated 17.10.2014 are held eligible and entitled to service benefits of Group 'A' Medical Officers. Thus, though in retirement order Applicants are shown Group 'B' Medical Officers, they seem to be similarly situated persons and entitled to benefit of decision rendered by the Tribunal on 04.01.2022.</p> <p>5. The learned P.O. fairly concedes that the decision rendered by the Tribunal on 04.01.2022 is not challenged by the Government.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Thus, prima-facie, the Applicants seems to be entitled to the benefit of decision rendered by the Tribunal on 04.01.2022. If protection is not granted, they would stand retired on 31st May, 2023 and the purpose of filing of O.A. would be frustrated. Therefore, inⁱⁿ my considered opinion, the Applicants are entitled to some protection as granted by Nagpur Bench in O.A.No.175/2023 by order dated 28.02.2023 in similar situation.</p> <p>7. In view of above, the Respondents are directed to maintain status-quo and to continue the services of the Applicants till next date. It is further made clear that on merit, if it is found that Applicants are not entitled to the benefit of extension of age, they would not be entitled to any other consequential service benefits of further period onward 31.05.2023.</p> <p>8. The matter be listed before Division Bench on 14.06.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 23.05.2023</p> <p>(skw)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
O.S.D. (Legal & Protocol) MUMBAI

M.A./R.A./C.A. No.

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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: 23.05.2023</p> <p>O.A. No.468 of 2023 (Nagpur) (Through Video-Conferencing)</p> <p>R.V. BagdeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Junior Advocate holding for Shri S.O. Ahmed, learned Advocate for the Applicant and Shri M.I. Khan, learned Chief Presenting Officer for the Respondents through Video-Conferencing.</p> <p>2. The Applicant has challenged transfer order dated 12.05.2023 whereby he is transferred from Nagpur to Bhandara. Admittedly he has completed normal tenure and was due for transfer, His grievance is that he ought to have been given posting on another post in Nagpur itself since he is retiring within two years.</p> <p>3. Needles to mention, the Applicant cannot claim any particular post or place since the transfer is incidence of Government service. Admittedly, the Applicant was overdue for transfer therefore question of staying transfer order dated 12.05.2023 does not survives. No case is made out to grant interim relief.</p> <p>4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>5. Issue notice before admission returnable on 16.06.2023.</p> <p>6. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p style="text-align: right;">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. 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>8. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>9. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>10. S.O. to 16.06.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 23.05.2023</p> <p align="center">O.A. No.554 of 2023</p> <p>F.M. ShaikhApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant is working as Supply Inspector, Akkalkot at Collector Office Solapur. He has completed normal tenure of three years. Indeed, his name was included in the list of employees who were due for transfer in 2022 but that time he was retained. In 2023, Respondents had published list of employees who were due for transfer but the Applicant's name was not figured in the said list. He therefore made representation on 14.05.2023 to the Collector that he ought to have shown due for transfer at Sr. No.21 in the list and requested to transfer him as per the options given by him. In O.A. the Applicant prayed for direction to the Collector to include his name at the appropriate place in the list dated 10.05.2023 and to transfer him as per the options given by him.</p> <p>3. Learned P.O. on instruction submits that Collector is going to address the issue and necessary steps will be taken in the general transfer of 2023.</p> <p>4. Respondents contention is that the Applicant is not due for transfer is totally unacceptable ^{unacceptable}. He joined on the said post in terms of order dated 31.05.2018 and as such he is in fact overdue for Transfer. Therefore he must have been shown in the list of employees who are due for transfer in general transfer of 2023. In sofaras options are concerned it is for the Collector to consider the options and to give him appropriate posting in terms of G.R. dated 09.04.2018.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. In view of above, O.A. is disposed of with direction to the Respondent No.2 – Collector, Solapur to pass appropriate order upon the representation dated 14.05.2023 made by the Applicant on or before 30.05.2023 and the decision be communicated to the Applicant.</p> <p>6. No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

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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: 23.05.2023</p> <p align="center">O.A. No.383 of 2023 (Aurangabad) (Through Video-Conferencing)</p> <p>S.P. DangeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Ramchandra Nirmal, learned Advocate for the Applicant and Shri M. Mahajan, learned Chief Presenting Officer for the Respondents through Video-Conferencing.</p> <p>2. The Applicant is working as Dean, Government Dental College and Hospital, Sambhaji Nagar (Aurangabad) and transferred to Government Dental College and Hospital, Mumbai by order dated 16.05.2023. He is due to retire by the end of June 2023. He therefore challenged transfer order.</p> <p>3. Learned P.O. submits that the Applicant has already completed normal tenure and in view of approval of CSB he is transferred. He further submits that additional charge is already given to Dr. Maya Indulkar.</p> <p>4. Even if the Applicant has completed normal tenure, there is no denying that his is due to retire by the end of June 2023. As per Section 5(1) of Transfer Act, 2005 tenure of Government servant can be extended where he is due to retire in less than one year. This being so, he ought to have been continued on the same post till June 2023. Apart in impugned order he is shown transfer on request. Notably, he made request for transfer by letter dated 16.04.2021 citing personal difficulties. However, that time his request was not considered, Now such request cannot be used after two years particularly when he is entitled to the extension of tenure because of his retirement at the end of June 2023.</p> <p align="right">[PTO.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. In view of above, <i>prima-facie</i> case is made out to grant interim relief till returnable date. The implementation of the order dated 16.05.2023 is stayed till next date and he should be allowed to continue at the same place.</p> <p>6. Issue notice before admission returnable on 14.06.2023.</p> <p>7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>11. S.O. to 14.06.2023.</p> <p style="text-align: right;">Sd/- w (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

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Original Application No.

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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: 23.05.2023</p> <p align="center">O.A. No.586 of 2023</p> <p>N.P. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged transfer order dated 04.05.2023 whereby Government has posted Respondent No.2 – Sharavan Kshirsagar in his place meaning thereby the Applicant is displaced. However, no consequential order of the posting of the Applicant has been issued.</p> <p>3. Learned Advocate for the Applicant has pointed out that the Applicant is posted as Deputy Collector (Land Acquisition), Solapur by order dated 19.04.2021 and he is not due for transfer but now in view of order dated 04.05.2023 giving posting to the Respondent No.2 in his place, Applicant is displaced. Learned Advocate for the Applicant therefore prayed for interim relief to stay the order dated 04.05.2023.</p> <p>4. Learned P.O. submits that Respondent No.2 - Sharavan Kshirsagar has already joined in the place of the Applicant, this fact is fairly conceded by the learned Advocate for the Applicant.</p> <p>5. Learned P.O. further submits that file is before Hon'ble Chief Minister for giving posting to the Applicant and sought one day time to take instruction.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. Indeed, before giving posting to the Respondent No.2 in place of the Applicant, Government ought to have passed appropriate order about the transfer of the Applicant and thereafter only Respondent No.2 could have been posted in place of the Applicant. <i>Prima-facie</i> there is haste on the part of the Government in passing order dated 04.05.2023 which raised question about the legality of the order dated 04.05.2023.</p> <p>7. However, since Respondent No.2 - Sharavan Kshirsagar is posted ^{by direct} in place of the Applicant it would be appropriate to wait for the posting order to be issued by the Government pertaining to the Applicant which is said to be in process.</p> <p>8. In view of above, O.A. be kept tomorrow to facilitate learned P.O. to take instruction about the status of file about the proposed transfer of the Applicant. If the Applicant is satisfied with the proposed transfer, matter would come to an end otherwise legality of order dated 04.05.2023 needs to be decided on its own merit.</p> <p>9. S.O. to 24.05.2023.</p> <p style="text-align: right;">Sd/- Vv (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

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Original Application No.

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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: 23.05.2023</p> <p align="center">O.A. No.593 of 2023 with O.A. No.594 of 2023</p> <p>A.D. Badgujar S.B. PanchorkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicants have challenged transfer order dated 17.05.2023 <i>inter-alia</i> contending that is in violation of Maharashtra Police Act. The Applicant in O.A. No.593/2023 is serving as Deputy Superintendent of Police (ACB) Dhule and transferred to ACB, Nashik. On his place Respondent No.2 – Abhishek Patil is posted as Vice-Versa transfer.</p> <p>3. Whereas, the Applicant in O.A. No.594/2023 was serving as Deputy Superintendent of Police (ACB), Jalna and transferred to ACB, Mumbai. In his place, Respondent No.2 – Kiran Manikrao Bidve who was posted at Parbhani is transferred.</p> <p>4. Shri A.V. Bandiwadekar learned Advocate for the Applicant sought interim relief <i>inter-alia</i> contending that the Applicant have not completed normal tenure of two years and secondly PEB-1 is only the competent authority for such transfer. In this behalf he referred to the decision rendered by this Tribunal in O.A. No. 60/2020, Director General of Police in which transfer order issued by PEB-2 was challenged, Tribunal recorded finding that for the Transfer of DSP (ACB) competent authority is PEB-1. He therefore sought interim relief to stay the transfer order dated 17.05.2023. However, he fairly concedes that private Respondents have joined in the place of the Applicants.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. In view of above, learned Advocate for the Applicant submits that even if private Respondents have joined, the transfer order being not issued by competent authority it is bad in law and liable to be quashed and set aside and interim relief needs to be granted.</p> <p>6. True, <i>prima-facie</i> in view of the order passed by the Tribunal in O.A. No.60/2020 the impugned transfer order dated 17.05.2023 being not issued by PEB-1 it appears unsustainable in law. However, at the same time admittedly private Respondents have also joined in place of the Applicants. In such situation stay to the transfer order would result in cascading effect. Therefore at this juncture it would ^{not} be appropriate to grant interim relief. All that O.A. could be expedited in view of the decision rendered by the Tribunal in O.A. No.60/2020 referred above.</p> <p>7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>8. Issue notice before admission returnable on 06.06.2023.</p> <p>9. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>11. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>12. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>13. S.O. to 06.06.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**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: 23.05.2023</p> <p align="center">M.A. No.349 of 2023 in O.A. No.575 of 2023</p> <p>K.R. Dighe & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Shri S.S. Dere & Asso., learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. By this M.A., the Applicants are seeking leave to sue jointly. The Applicants are similarly situated and for the reasons stated in the M.A., leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court fees, if not already paid. MA disposed off accordingly.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**


M.A./R.A./C.A. No. _____ of 20 _____

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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: 23.05.2023</p> <p align="center">O.A. No.575 of 2023 (Division Bench matter placed before Single Bench in Vacation)</p> <p>K.R. Dighe & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Pooja Mankoji, learned Advocate holding for Shri S.S. Dere & Asso., learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicants sought interim relief to stay communication dated 03.05.2023 issued by the Superintendent of Police, Raigad whereby Show Cause Notice was issued to them as to why their candidature should not be cancelled in terms of the decision rendered by the Tribunal in O.A. No.144/2022 decided with connected O.As. on 17.03.2023.</p> <p>3. Indeed, in similar situation the Tribunal by order dated 09.05.2023 passed in O.A. No.538 & 539/2023 granted the relief of status-qua in terms of the order passed by the Hon'ble High Court in Writ Petition No.5299/2023 dated 24.04.2023. The Applicants have sought time by making an representation to the Superintendent of Police, Raigad for submitting Reply and in the mean time they have filed this O.A. challenging the communication dated 03.05.2023.</p> <p>4. The Applicants are already selected and are in services as fairly conceded by learned P.O. ^{where} where their candidature is required to be cancelled in terms of the decision rendered by the Tribunal is again under challenge in Writ Petition No.5299/2023 which is subjudice before Hon'ble High Court, in which Hon'ble High Court has granted status-qua so as to protect the services of the employees who are similarly situated.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. In view of above, Respondents are directed to maintain status-qua as on today qua Applicants till next date.</p> <p>6. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>7. Issue notice before admission returnable on 22.06.2023.</p> <p>8. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>10. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>11. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>12. S.O. to 22.06.2023.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

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Original Application No.

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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: 23.05.2023</p> <p align="center">O.A. No.384 of 2023 (Aurangabad) (Through Video-Conferencing) (Division Bench matter placed before Single Bench in Vacation)</p> <p>V.M. GavaliApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.D. Joshi, learned Advocate for the Applicant and Shri M. Mahajan, learned Chief Presenting Officer for the Respondents through Video-Conferencing.</p> <p>2. The Applicant is seeking direction to the Respondent to consider his case for promotion in terms of G.R. dated 15.12.2017 by calling special DPC for the post of District Deputy Registrar Co-operative Societies Group 'A'. Indeed, there is no such urgency to file O.A. in vacation.</p> <p>3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 16.06.2023.</p> <p>5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>6. 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.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>9. S.O. to 16.06.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

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IN

Original Application No.


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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: 23.05.2023</p> <p align="center">O.A. No.382 of 2023 (Aurangabad) (Through Video-Conferencing)</p> <p>K.P. ChaudhariApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri M. Mahajan, learned Chief Presenting Officer for the Respondents through Video-Conferencing. 2. The Applicant has challenged Transfer order dated 21.04.2023 whereby he is transferred from the post of Joint Sub-Registrar, Aurangabad to Joint District Registrar, Dhule on vacant post. He is seeking transfer to Jalgaon instead of Dhule. 3. Learned P.O. submits that the Applicant has already joined at Dhule, learned Advocate for the Applicant fairly concedes this position. 4. In view of above, question of granting interim relief does not survives. 5. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 6. Issue notice before admission returnable on 14.06.2023. 7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>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.</p> <p>9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>11. S.O. to 14.06.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>M.A.353/2023 in O.A.588/2023 in M.A.354/2023 in O.A.590/2023 in M.A.355/2023 in O.A.591/2023</u></p> <p>Shri M.M. Gangurde Shri Y.D. Ahire & Shri P.V. Patre ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri A.V. Bandiwadekar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for Respondents is present.</p> <p>2. These M.As are filed for condonation of delay caused in filing O.A. which pertains to deemed date of promotion.</p> <p>3. Issue notice to the Respondents made returnable on 13th June, 2023.</p> <p>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>5. 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.</p> <p>6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988.</p> <p>7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the M.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the M.A. shall stand dismissed.</p> <p>8. 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.</p> <p>9. S.O. to 13th June, 2023.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member-J 23.05.2023</p> <p>(skw)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.587/2023</u></p> <p>Shri G.A. Jagtap ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <ol style="list-style-type: none"> 1. Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for Respondents is present. 2. The Applicant has challenged the suspension order dated 21.03.2022 on the ground that he is subjected to prolong suspension. The perusal of record reveals that Applicant was suspended by order dated 21.03.2022 in view of registration of crime for the offences under Sections 409, 420, 467, 468, etc. of Indian Penal Code and in contemplation of departmental enquiry. His grievance is that the co-accused are already reinstated in service, but he is subjected to prolong suspension. 3. Issue notice returnable on 09th June, 2023. 4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 5. 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. 6. 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. 7. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed. 8. 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. 9. S.O. to 9th June, 2023 <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member-J 23.05.2023</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 style="text-align: center;"><u>M.A.352/2023 in O.A.585/2023</u></p> <p>Shri Y.B. Sarje & 2 Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri M.D. Lonkar, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for Respondents is present.</p> <p>2. This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.</p> <p style="text-align: right;">Sd/- V. (A.P. Kurhekar) Member-J 23.05.2023</p> <p>(skw)</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No.

of 20

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Original Application No.

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;">Date: 23.05.2023</p> <p style="text-align: center;">O.A. No.596 of 2023</p> <p>A.S. GaikwadApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged order dated 13.04.2023 passed by Respondents whereby she is transferred from the post of Deputy Collector (Land Acquisition), Solapur to Deputy Collector, Tapi Irrigation Development Corporation, Jalgaon. 3. Learned Advocate for the Applicant submits that the Applicant could not have been posted at Tapi, Irrigation Development Corporation, Jalgaon. ^{According to him} It is indeed deputation which is not in compliance of G.R. dated 17.12.2023 and G.R. dated 06.02.2018. 4. The perusal of order dated 13.04.2023 reveals that the Applicant is immediately relieved from the post of Deputy Collector (Land Acquisition), Solapur. therefore at this juncture question of interim relief does not survives. 5. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 6. Issue notice before admission returnable on 13.06.2023.

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

Tribunal's orders

7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

11. In the meantime, Respondent is at liberty to decide the representation made by the Applicant in accordance to rules.

12. S.O. to 13.06.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

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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: 23.05.2023</p> <p align="center">O.A. No.555 of 2023</p> <p>S.G. RanpiseApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged transfer order dated 04.05.2023 whereby he is transferred from the post of Sub-Inspector, State Excise, Islampur Sangli (Executive Post) to M/s. Kashmira Traders, Kolhapur (Non-Executive Post). 3. The Applicant contends that he being Ex-Servicemen is entitled to choice posting on Executive Post. He has given 9 options of Executive Post out of 10 options, only last option was of Non-Executive Post. 4. Whereas, learned P.O. submits that the Applicant was already given two posting of Executive Post and therefore he is not entitled to be again posted on Executive Post. 5. When the matter was taken up for admission by the Tribunal on 16.05.2023, directions were given to take instruction whether any Non-Executive Post is available nearby by Tal.-Shirur and matter was adjourned for today. 6. Today learned P.O. submits that Non-Executive Posts are available at Narayangoan, Indapur & Daund.

[P.T.O.]

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

Tribunal's orders

7. However, learned Advocate on instructions from the Applicant submits that he is not willing to accept Non-Executive Post of Narayangoan, Indapur ^{Daund} stating that those are far-away.

8. In view of above, matter is required to be decided on merit after taking on record Affidavit-in-Reply of the Respondents.

9. Learned Advocate for the Applicant also submits that the Applicant would join at Kolhapur in terms of transfer order dated 04.05.2023 and matter needs to be decided on its own merit.



10. In view of above, learned P.O. shall file Affidavit in-Reply of Respondents by next date.

11. S.O. to 14.06.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 23.05.2023</p> <p style="text-align: center;">O.A. No.571 of 2023</p> <p>V.V. DhumalApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged transfer order dated 11.05.2023 whereby he is transferred from the post of Conservation Assistant, Department of Archaeology, Nashik to Conservation Assistant, Department of Archaeology, Ratnagiri <i>inter-alia</i> contending that he is transferred before completion of his normal tenure of 3 years on the post of Conservation Assistant at Nashik.</p> <p>3. The perusal of record reveals that earlier the Applicant was working as Sub-Overseer in the Department of Archaeology, Nashik and by order dated 30.08.2021 he is promoted as Conservation Assistant, as seen from promotion order dated 30.08.2021. Thus he has not completed normal tenure of three years on the promotional post.</p> <p>4. On instruction, learned P.O. submits that Department has realized that the Applicant has not completed normal tenure of three years on the promotional post and Respondent No.2 intends to withdraw / modify the Transfer order dated 11.05.2023 but sought one day time to take necessary steps by the Department in the matter.</p> <p>5. Learned P.O. submits that his client is ready to work in place of Respondent No.4 at Pune. In sofaras this issue is concerned it is for the Respondent No.2 to consider the same.</p> <p>6. S.O. to 24.05.2023.</p> <p style="text-align: right;">  Sd/-  (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

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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: 23.05.2023</p> <p align="center">M.A. No.356 of 2023 in O.A. No.237 of 2023</p> <p>S.S. JadhavApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This M.A. is filed in pending O.A. for direction to the Respondents to keep post of Range Forest Officer, Shirala vacant till the decision of O.A. or for direction that if anyone is posted as Range Forest Officer, Shirala it would be subject to outcome of present O.A.</p> <p>3. Learned P.O. sought one day time to take instructions.</p> <p>4. S.O. to 24.05.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>