

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.235 of 2023

N. B. Bagul

)...Applicant

Versus

The State of Maharashtra & Ors.

) ...Respondents.

Shri A. V. Bandiwadekar, Counsel for the Applicant

Smt. Kranti Gaikwad., Presenting Officer for the Respondent No.1 .

Shri A. A. Gharate, Counsel for Respondent No.2

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

DATE : 28.02.2023.

ORDER

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondent No.1 and Shri A. A. Gharate, learned Counsel for the Respondent No.2.

2. The Applicant has challenged the orders dated 23.02.2023 issued by the Respondent No.1 whereby the Applicant was transferred from the post of Chief Officer, Satana Municipal Council , Dist. Nashik and posted as Assistant Commissioner, Municipal Corporation, Nashik and also challenged another order passed on the same day whereby Respondent No.1 posted the Applicant in place of Applicant as Chief Officer, Satana, Municipal Council, Nashik.

Respondent No.2

3. The Applicant was transferred and posted as Chief Officer, Satana, Municipal Corporation, Nashik by order dated 08.09.2021 and accordingly joined there. In terms of Section 3 of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005') is entitled to two years tenure at

three

Badiger

P. S. Zadkar

The Registrar

Above corrections are made as per order dated 01/03/2023.

Minister. There is absolutely no consideration as to what was the administrative exigency for such mid-term and mid-tenure transfer. Suffice to say, the minutes of CSB as well as file noting is totally silent on this crucial point. Mere mention of "administrative need" is hardly enough. Administrative need was to be spelt out clearly.

9. True, the perusal of file tendered by learned P.O. also reveals that Shri Dilip Borse, MLA, Baglan, Dist. Nashik gave letter dated 23.12.2022 to Deputy Chief Minister for transfer of the Applicant stating that he is not efficient and work of municipal administration is affected. Notably, the same MLA also gave another letter dated 23.12.2022 for appointing the Respondent No.2 at Devala in place of the Applicant.

10. However, strangely there is absolutely no consideration as well as reference of alleged complaint in the recommendation of CSB either in the file noting approved by the Hon'ble Chief Minister. This being the position, it cannot be presumed that the complaint was the reason for such transfer. Apart, the Respondent No.1 has not produced any record to show that any memo was issued to the Applicant pointing out his deficiency in discharge of duties as Chief Officer. It is well settled that transfer on mere complaint without verifying its correctness or ascertaining substance is not permissible since now, the transfers are governed by the provisions of 'Act 2005' otherwise transfers would amount to clock on punishment.

11. The reliance placed on the decision in the matter of Executive Director, West Bengal Power Development Corporation is misplaced. In that case, the Respondent Sri Ardhendu Sekhar Bala was transferred by order dated 26.02.2009 and challenged it by filing W.P. in High Court, Calcutta. By final order dated 30.03.2009, the Hon'ble High Court rejected the W.P. holding that order of transfer could be made in exigency of service so required. Being aggrieved by it, the appeal was filed before Division Bench when appeal was pending, the Respondent No.1 was relieved on 30.03.2009 and another person Shri Kamal Das joined in place of him. After joining of Shri Kamal Das, the Division Bench by order dated 15.06.2009 had stayed the operation of judgment passed by the Single Bench. It is in that context, the Hon'ble Supreme Court held that when another person has joined, the order of granting stay is uncalled for.

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

19. S.O. to 27.03.2023.

Sd/-

(A. P. KURHEKAR)
MEMBER (J)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p style="text-align: center;">O.A.No.234 of 2023</p> <p>Dr. S. G. KaleApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the order dated 21.02.2023 issued by the Respondent No.1 whereby Respondent No.3 Dr. Bapu Boi has posted in his place as Superintendent , Govt. Women Hospital, Baramati, Pune inter-alia contending that he is transferred in violation of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005') only to favor the Respondent No.3 Dr. Bapu Bhoi. 3. The Applicant is presently serving as Medical Superintendent. The Government by order dated 20.09.2017 posted him as Medical Superintendent, Govt. Women Hospital, Baramati, Dist. Pune and was due for transfer in 2020 but continued there. Abruptly, the Government by order dated 21.02.2023 posted the Respondent No.3 in his place and thereby displaced him. He is shown temporarily attached to the office of Deputy Director, Health Services, Pune. 4. Learned Counsel for the Applicant sought interim relief stating that there is no approval of transfer of the Applicant by the CSB nor any special case is made out for his transfer. He has further pointed out that only to favor Respondent No.3, his client is unceremoniously displaced. 5. The submission advanced by learned Counsel for the Applicant is prima-facie borne out from the record since it is only on request of Respondent No.3, the Applicant is displaced and nothing else. Apart, admittedly, the issue of transfer of the Applicant is not placed before the CSB. 6. At this juncture, learned P.O. on instructions submits that file is in progress for giving suitable posting to the Applicant in Pune city. He, therefore, requested to adjourn the mater till tomorrow so that O.A. could be disposed of since the Applicant is also ready if he gets posting anywhere in Pune city. 7. S.O. to 01.03.2023 at 2.30 pm. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.235 of 2023

N. B. Bagul

)...Applicant

Versus

The State of Maharashtra & Ors.

) ...Respondents.

Shri A. V. Bandiwadekar, Counsel for the Applicant

Smt. Kranti Gaikwad., Presenting Officer for the Respondent No.1 .

Shri A. A. Gharate, Counsel for Respondent No.2

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

DATE : 28.02.2023.

ORDER

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondent No.1 and Shri A. A. Gharate, learned Counsel for the Respondent No.2.
2. The Applicant has challenged the orders dated 23.02.2023 issued by the Respondent No.1 whereby the Applicant was transferred from the post of Chief Officer, Satana Municipal Council , Dist. Nashik and posted as Assistant Commissioner, Municipal Corporation, Nashik and also challenged another order passed on the same day whereby Respondent No.1 posted the Applicant in place of Applicant as Chief Officer, Satana, Municipal Council, Nashik.
3. The Applicant was transferred and posted as Chief Officer, Satana, Municipal Corporation, Nashik by order dated 08.09.2021 and accordingly joined there. In terms of Section 3 of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005') is entitled to two years tenure at

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one place of posting. However, by impugned transfer order dated 23.02.2023 he is displaced from his present post of Chief Officer, Municipal Council, Satana, Nashik and transferred as Assistant Commissioner, Municipal Corporation, Nashik by curtailing his normal tenure. Insofar as the Respondent No.2 is concerned, the Government by order dated 15.09.2017 posted him at Devala Municipal Council Dist. Nashik where he accordingly joined. However, later Government by order dated 29.12.2022 posted one Shri Shyamkant Jadhav at Devala Municipal Council, Nashik but the Respondent No.2 was not given independent posting. Thus, he was kept on waiting.

4. It is on the above background, the Respondent No.1 – Government has passed transfer orders dated 23.02.2023.

5. Shri A. V. Bandiwadekar, learned Counsel for the Applicant sought interim relief to the transfer orders *inter alia* contending that his client is transferred mid-term and mid-tenure without there being any such administrative exigency or special case and only to favor the Respondent No.2, his client is displaced unceremoniously.

6. Per contra, learned P.O. submits that impugned transfer orders are passed in view of recommendations made by the Civil Services Board (CSB) and approved by the Hon'ble Chief Minister. She has also tendered file noting for perusal of the Tribunal.

7. Learned Counsel for Respondent No.2 also opposes interim relief *inter-alia* contending that his client has already taken charge on 27.02.2023 and, therefore, no interim relief could be granted. In this behalf, he referred to the decision of the Hon'ble Supreme Court in **2009 AIR SCW 7646 (Executive Director, West Bengal, Power Development Corporation Ltd. V/s Sri Ardhendu Sekhar Bala & Ors.)**.

8. Thus, what transpires from the record that admittedly the Applicant was not due for transfer and it is mid-term and mid-tenure. True, under Section 4(5) of 'Act 2005' the competent authority can curtail the tenure in a special case after recording reasons in writing. The perusal of file reveals that the CSB simply recommended for transfer of Applicant and posting the Respondent No.2 in his place stating administrative reason without disclosing what was administrative reason or necessity and it was simply approved by the Hon'ble Chief

Minister. There is absolutely no consideration as to what was the administrative exigency for such mid-term and mid-tenure transfer. Suffice to say, the minutes of CSB as well as file noting is totally silent on this crucial point. Mere mention of "administrative need" is hardly enough. Administrative need was to be spelt out clearly.

9. True, the perusal of file tendered by learned P.O. also reveals that Shri Dilip Borse, MLA, Baglan, Dist. Nashik gave letter dated 23.12.2022 to Deputy Chief Minister for transfer of the Applicant stating that he is not efficient and work of municipal administration is affected. Notably, the same MLA also gave another letter dated 23.12.2022 for appointing the Respondent No.2 at Devala in place of the Applicant.

10. However, strangely there is absolutely no consideration as well as reference of alleged complaint in the recommendation of CSB either in the file noting approved by the Hon'ble Chief Minister. This being the position, it cannot be presumed that the complaint was the reason for such transfer. Apart, the Respondent No.1 has not produced any record to show that any memo was issued to the Applicant pointing out his deficiency in discharge of duties as Chief Officer. It is well settled that transfer on mere complaint without verifying its correctness or ascertaining substance is not permissible since now, the transfers are governed by the provisions of 'Act 2005' otherwise transfers would amount to clock on punishment.

11. The reliance placed on the decision in the matter of Executive Director, West Bengal Power Development Corporation is misplaced. In that case, the Respondent Sri Ardhendu Sekhar Bala was transferred by order dated 26.02.2009 and challenged it by filing W.P. in High Court, Calcutta. By final order dated 30.03.2009, the Hon'ble High Court rejected the W.P. holding that order of transfer could be made in exigency of service so required. Being aggrieved by it, the appeal was filed before Division Bench when appeal was pending, the Respondent No.1 was relieved on 30.03.2009 and another person Shri Kamal Das joined in place of him. After joining of Shri Kamal Das, the Division Bench by order dated 15.06.2009 had stayed the operation of judgment passed by the Single Bench. It is in that context, the Hon'ble Supreme Court held that when another person has joined, the order of granting stay is uncalled for.

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Whereas in present case, the transfers are governed and regulated by the provisions of 'Act 2005' and Section 4(5) of 'Act 2005' requires special case and recording of reasons in writing for such mid-terms transfer. The impugned orders were passed on 23.02.2023 and O.A. was filed on 27.02.2023. There were holidays on 25th and 26.02.2023. As such, the Applicant immediately challenged the impugned transfer orders. All that Respondent No.2 has tendered the letter written by himself on 27.02.2023 addressed to Collector that he is taking charge on 27.02.2023, in such situation attempt of taking charge unilaterally in haste should not come in the way of Applicant to claim interim relief particularly when prima-facie transfer order is in contravention of 'Act 2005' and passed only favour the Respondent No.2. The Court /Tribunal is empowered to grant status quo ante in such situation.

12. For the aforesaid reasons, I am satisfied that prima-facie case is made out to grant interim relief.
13. The impugned transfer orders dated 23.02.2023 are stayed till filing of reply and the Applicant be allowed to continue as Chief Officer, Municipal Council, Satana, Nashik.
14. Issue notice before admission returnable on 27.03.2023.
15. 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.
16. 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.
17. 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.

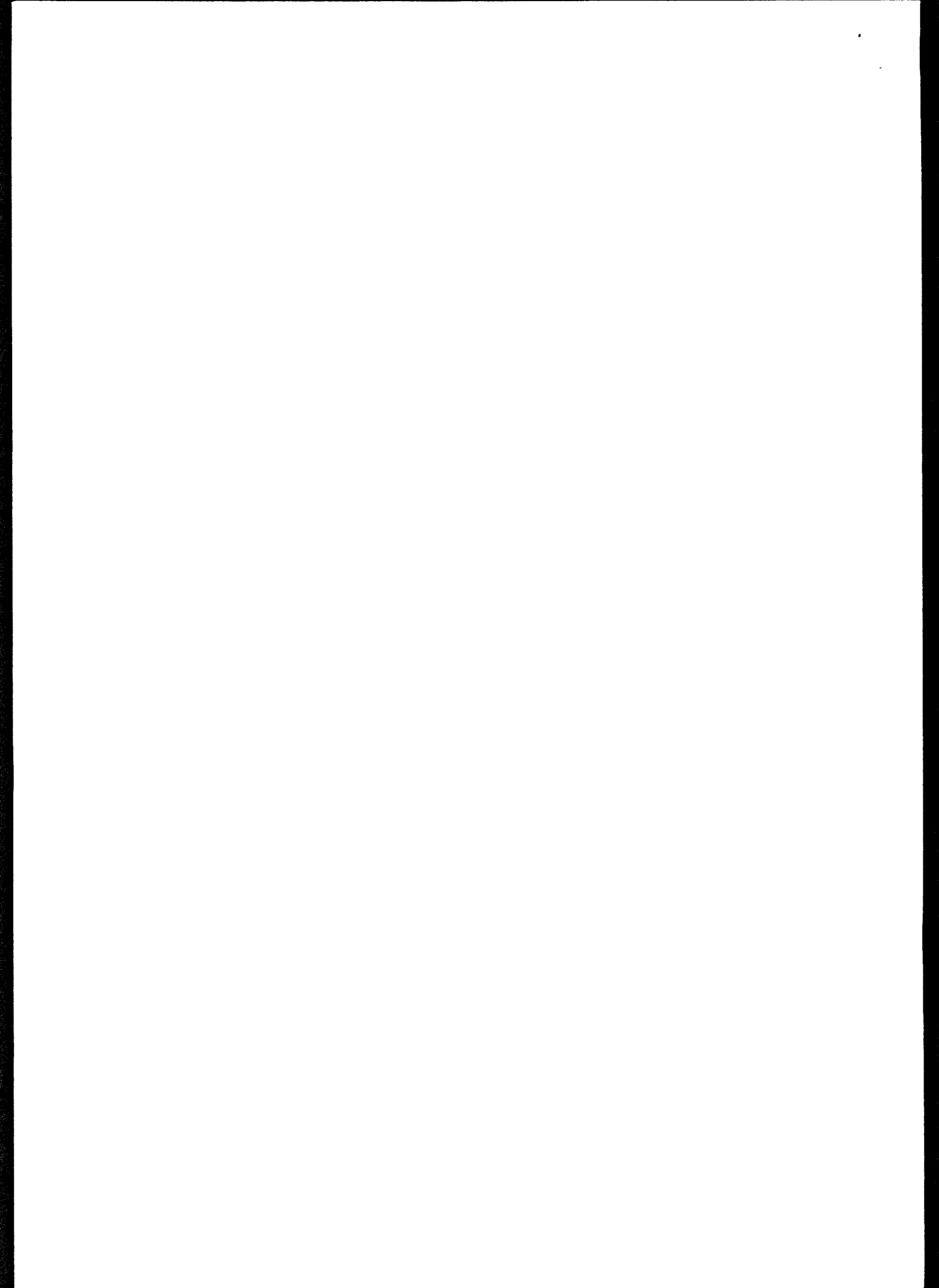
18. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original/ ~~Miscellaneous~~ Application shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date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

19. S.O. to 27.03.2023.

Sd/-

W*

(A. P. KURHEKAR)
MEMBER (J)



**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.315 to 317 of 2022</u></p> <p>Shri V.B. Suryawanshi & Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Applicants and Advocate absent. Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. In the interest of justice, adjourned for final hearing to 27th March, 2023.</p> <p style="text-align: right;">sd/- (A.P. Kurhekar) Member-J 28.02.2023</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.988 of 2022</u></p> <p>Shri V.V. Deshmukh & Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Applicants and Advocate absent. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. In the interest of justice, adjourned for final hearing to 28th March, 2023.</p> <p style="text-align: center;">sd/- (A.P. Kurhekar) Member-J 28.02.2023</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p>O.A.No.105 of 2023 with O.A. No.106 of 2023</p> <p>D. S. Chawan & Ors S. P. Pulate & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks' time is granted to file reply on behalf of the Respondents.</p> <p>3. S.O. to 13.03.2023.</p> <p align="right">sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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..... 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.857 of 2021</u></p> <p>Smt. L.P. Gaikwad & Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Smt. P.S. Jadhav, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. The learned Advocate for the Applicant sought adjournment on the ground that she is not feeling well.</p> <p>3. S.O. to 17th March, 2023.</p> <p style="text-align: right;">sd/- (A.P. Kurhekar) Member-J 28.02.2023</p> <p>(skw)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p style="text-align: center;">O.A.No.177 of 2023</p> <p>R. S. Bhapkar ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. In this O.A. the Applicant has prayed for directions to the Respondents to decide his representation dated 15.06.2022 for pay and allowances of the suspension period as well as pay and allowances for out of duty period.</p> <p>3. Now, during the pendency of this O.A., the Respondent No.4 – Superintendent of Police, Pune (Rural) passed an order dated 17.02.2023 ^{allowing} allowing the period of suspension from 17.01.2013 to 27.11.2014 suspension 'As such'.</p> <p>4. Learned Counsel for the Applicant, therefore, sought liberty to challenge the order dated 17.02.2023 by amending O.A. Since the order dated 17.02.2023 is passed subsequent to filing of O.A., I am inclined to grant permission to amend the O.A. to avoid multiplicity of proceeding. Seven days' time is granted to amend the O.A. as well as prayer clause. He should come with M.A. for proper amendment in pleading as well as in prayer clause.</p> <p>5. Insofar as 2nd claim for pay and allowance of out of duty period is concerned, the punishment order dated 31.10.2017 [whereby punishment of withholding of increments for two years with cumulative effect is concerned] it has attained finality since no O.A. is filed to challenge the punishment within the period of limitation. Therefore, claim of pay and allowances for out of duty period will also be heard and decided in this O.A along with the issue of legality of order dated 17.02.2023. Seven days' time is granted to file M.A.</p> <p>6. S.O. to 13.03.2023.</p> <p style="text-align: right;">sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>O.A.537 of 2022</u></p> <p>Shri A.P. Sansare ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Applicant in person present. Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. Applicant in person states that his Advocate is busy in the High Court and requested for adjournment.</p> <p>3. Learned P.O. files Additional Affidavit in response to Sur-Sur-Rejoinder filed by learned Advocate for the Applicant on previous date. It is taken on record.</p> <p>4. S.O. to 15th March, 2023 for hearing.</p> <p style="text-align: right;">N sd/- r</p> <p style="text-align: right;">(A.P. Kurhekar) Member-J 28.02.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

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..... Applicant/s

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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.691 of 2019</u></p> <p>Shri S.C. Kamble ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Smt. S. Suryawanshi holding for Shri V.V. Joshi, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. The perusal of record reveals that this OA was before Division Bench and in view of change in Office Order, the subject of Time Bound Promotion is allotted to Single Bench and for the first time today, it is listed before me. The learned Advocate for the Applicant sought adjournment to argue the matter.</p> <p>3. Learned P.O. tenders Sur-rejoinder. It is taken on record.</p> <p>4. S.O. to 24th March, 2023.</p> <p style="text-align: right;">sd/- (A.P. Kurhekar) Member-J 28.02.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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DISTRICT

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..... Respondent/s

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>O.A.1179 of 2022</u>
	<p>Shri V.B. Helavi (Reddy) ... Applicant Vs.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>1. Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for the Respondents is present.</p> <p>2. Today, matter is for filing Sur-rejoinder in view of Affidavit-in-reply filed by the Applicant on previous date. However, no Sur-rejoinder is filed.</p> <p>3. O.A. be kept for hearing on the basis of pleading already tendered.</p> <p>4. S.O. to 16th March, 2023.</p> <p style="text-align: right;">sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member-J 28.02.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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..... Applicant/s

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(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.1319 of 2022</u></p> <p>Shri V.P. Kolekar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. Today, matter is for hearing, but learned P.O. sought adjournment on the ground that he wants to take instructions from Respondent No.3.</p> <p>3. S.O. to 15th March, 2023 for hearing.</p> <p style="text-align: center;">sd/-</p> <p style="text-align: center;">(A.P. Kurhekar) Member-J 28.02.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____ DISTRICT
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(Advocate)

versus

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..... Respondent/s

(Presenting Officer.....)

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	<p style="text-align: center;"><u>O.A.153 of 2022</u></p> <p>Smt. R.G. Saindane ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Applicant and Advocate absent. Shri A.J. Chougule, learned Presenting Officer for the Respondents is present.</p> <p>2. In the interest of justice, adjourned for hearing to give one opportunity.</p> <p>3. S.O. to 23rd March, 2023.</p> <p style="text-align: right;">sd/- (A.P. Kurhekar) Member-J 28.02.2023</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.....)

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	<p style="text-align: center;"><u>O.A.208 of 2022</u></p> <p>Shri J.G. Jadhav ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present.</p> <p>2. Today, learned P.O. has filed Affidavit-in-sur-rejoinder on behalf of Respondents. It is taken on record.</p> <p>3. Adjourned for final hearing to 27th Mar, 2023.</p> <p style="text-align: center;">sd/- (A.P. Kurhekar) Member-J 28.02.2023</p> <p>(skw)</p>

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

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Smt. Kranti Gaikwad., Presenting Officer for the Respondent No.1 .

Shri A. A. Gharate, Counsel for Respondent No.2

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

DATE : 28.02.2023.

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1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondent No.1 and Shri A. A. Gharate, learned Counsel for the Respondent No.2.

2. The Applicant has challenged the orders dated 23.02.2023 issued by the Respondent No.1 whereby the Applicant was transferred from the post of Chief Officer, Satana Municipal Council , Dist. Nashik and posted as Assistant Commissioner, Municipal Corporation, Nashik and also challenged another order passed on the same day whereby Respondent No.1 posted the Applicant in place of Applicant as Chief Officer, Satana, Municipal Council, Nashik.

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3. The Applicant was transferred and posted as Chief Officer, Satana, Municipal Corporation, Nashik by order dated 08.09.2021 and accordingly joined there. In terms of Section 3 of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005') is entitled to two years tenure at

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P. S. Zadkar

The Registrar

Above corrections are made as per order dated 01/03/2023.

Minister. There is absolutely no consideration as to what was the administrative exigency for such mid-term and mid-tenure transfer. Suffice to say, the minutes of CSB as well as file noting is totally silent on this crucial point. Mere mention of "administrative need" is hardly enough. Administrative need was to be spelt out clearly.

9. True, the perusal of file tendered by learned P.O. also reveals that Shri Dilip Borse, MLA, Baglan, Dist. Nashik gave letter dated 23.12.2022 to Deputy Chief Minister for transfer of the Applicant stating that he is not efficient and work of municipal administration is affected. Notably, the same MLA also gave another letter dated 23.12.2022 for appointing the Respondent No.2 at Devala in place of the Applicant.

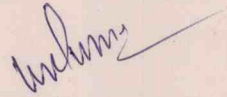
10. However, strangely there is absolutely no consideration as well as reference of alleged complaint in the recommendation of CSB either in the file noting approved by the Hon'ble Chief Minister. This being the position, it cannot be presumed that the complaint was the reason for such transfer. Apart, the Respondent No.1 has not produced any record to show that any memo was issued to the Applicant pointing out his deficiency in discharge of duties as Chief Officer. It is well settled that transfer on mere complaint without verifying its correctness or ascertaining substance is not permissible since now, the transfers are governed by the provisions of 'Act 2005' otherwise transfers would amount to clock on punishment.

11. The reliance placed on the decision in the matter of Executive Director, West Bengal Power Development Corporation is misplaced. In that case, the Respondent Sri Ardhendu Sekhar Bala was transferred by order dated 26.02.2009 and challenged it by filing W.P. in High Court, Calcutta. By final order dated 30.03.2009, the Hon'ble High Court rejected the W.P. holding that order of transfer could be made in exigency of service so required. Being aggrieved by it, the appeal was filed before Division Bench when appeal was pending, the Respondent No.1 was relieved on 30.03.2009 and another person Shri Kamal Das joined in place of him. After joining of Shri Kamal Das, the Division Bench by order dated 15.06.2009 had stayed the operation of judgment passed by the Single Bench. It is in that context, the Hon'ble Supreme Court held that when another person has joined, the order of granting stay is uncalled for.

hdk

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

19. S.O. to 27.03.2023.



(A. P. KURHEKAR)
MEMBER (J)

**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.686 to 690/2019 with O.A.693/2019, O.As.695, 750, 752, 584, 585/2019 and O.A.994/2021</u></p> <p>Shri S.U. Shinde & Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Smt. S. Suryawanshi holding for Shri V.V. Joshi, learned Advocate for the Applicants and Smt. A.B. Kololgi, learned Presenting Officer for Respondents.</p> <p>2. Learned Advocate as well as learned P.O. submits that Writ Petition is still subjudice before Hon'ble High Court in which same issue is subjudice and requested to adjourn the matter for final hearing.</p> <p>3. S.O. to 31st March, 2023.</p> <p style="text-align: right;">sd/- (A.P. Kurhekar) Member-J 28.02.2023</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><u>O.A.784/2019 with O.A.100 & 101/2021, O.A.111 & 113/2021</u></p> <p>Shri J.R. Kumbhar & Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned Presenting Officer for Respondents.</p> <p>2. Learned Advocate as well as learned P.O. submits that Writ Petition is still subjudice before Hon'ble High Court in which same issue is subjudice and requested to adjourn the matter for final hearing.</p> <p>3. S.O. to 31st March, 2023.</p> <p style="text-align: right;">sd/- ↓ (A.P. Kurhekar) Member-J 28.02.2023</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 : 28.02.2023</p> <p>O.A.No.317 of 2021</p> <p>V. D. RajigareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The matter is of Division Bench and recently transferred to the Single Bench. Today, for the 1st time it is listed before me.</p> <p>3. Learned Counsel for the Applicant requested for adjournment.</p> <p>4. S.O. to 24.03.2023.</p> <p style="text-align: right;">sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p style="text-align: center;">O.A.No.207 of 2023</p> <p>K. M. Ishwarkar & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. The O.A. is filed for inter district transfer from the establishment of C. P. Mumbai to establishment of S.P. Bhandara. 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 27.03.2023. 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. 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 Application 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 Application shall stand dismissed. 9. S.O. to 27.03.2023. <p style="text-align: right;">sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</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 : 28.02.2023</p> <p align="center">M. A. No.120 of 2023 in O.A.No.207 of 2023</p> <p>K. M. Ishwarkar & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. This is an application for leave to sue jointly. 3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately. 4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid. 5. M. A. No.120 /2022 is allowed. No order as to costs. <p align="right">sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 28.02.2023</p> <p align="center">O.A.No.126 of 2023</p> <p>P. U. NanawareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Pooja Mankoji, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., the matter is adjourned for taking necessary instructions from the Respondents.</p> <p>3. S.O. to 01.03.2023.</p> <p align="right">sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 28.02.2023</p> <p align="center">O.A.No.117 of 2023</p> <p>D. GajbhiyeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Ms. Neha Kachi holding for Adv. Talekar & Asso., learned Counsel for the Applicant and Ms S.P. Manchekar, learned Chief Presenting Officer for the Respondent No.1. None for Respondent No.2. The Applicant in person is also present.</p> <p>2. Learned Counsel for the Applicant tendered email copy of printout dated 27.02.2023 sent by the Applicant for withdrawal of O.A. It is taken on record and marked by letter 'X'.</p> <p>3. The Applicant in person is also present and submits that he does not want to proceed with the O.A.</p> <p>4. In view of above, the Applicant is allowed to withdraw the O.A.</p> <p>5. Interim relief granted by the Tribunal on 27.01.2023 stands vacated.</p> <p>6. No order as to costs.</p> <p align="right">sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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
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M.A. No.134 of 2023 in O.A. No.228 of 2023

D.B. Bhosale & 6 Ors.

..Applicants

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, 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.

sd/-

(Medha Gadgil)

Member (A)

27.2.2023

(sgj)

sd/-

(Mridula Bhatkar, J.)

Chairperson

27.2.2023

**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 : 28.02.2023</p> <p align="center">M. A. No.481 of 2022 in O.A.No.792 of 2022</p> <p>Dr. D. C. Godse & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri P. R. Tandale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. At the very outset, learned Counsel for the Applicant <i>submit that he</i> intends to file M.A. before Hon'ble Chairperson for clubbing of this matter along with two other matters which are filed at Nagpur and Aurangabad. According to him, in all these three matters, the same issue is involved and, therefore, all these three O.A.s need to be heard and decided by one Bench. He, therefore, intends to take necessary steps in this behalf.</p> <p>3. Four weeks time is granted to take necessary steps.</p> <p>4. S.O. to 27.03.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 28.02.2023</p> <p align="center">O.A.No.428 of 2019</p> <p>A. S. ChaudhariApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., the matter is adjourned for final hearing as a last chance with specific directions that no further time will be granted.</p> <p>3. S.O. to 14.03.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p align="center">O.A.No.1201 of 2022</p> <p>M. S. SonawaneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri U. S. Shinde, learned Counsel for the Applicant and Smt. Archana B K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. sought permission to file reply on behalf of Respondent No.7. Allowed to file the same. It is taken on record.</p> <p>3. The Respondent No.6 has already filed reply on previous date. The Respondent Nos.1 to 5 have not filed separate reply.</p> <p>4. O.A. be kept for hearing since other Respondents seems not interested in filing separate reply.</p> <p>5. S.O. to 23.03.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 28.02.2023</p> <p align="center">O.A.No.1249 of 2022</p> <p>S. R. LoharApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Smt. Archana , learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of Respondent Nos.1 to 3. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicant, two weeks time is granted to file Rejoinder.</p> <p>4. S.O. to 14.03.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 28.02.2023</p> <p align="center">O.A.No.1291 of 2022</p> <p>K. A. H. MehviApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Ganesh Masurkar holding for Shri C.T. Chandratre, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted for filing reply.</p> <p>3. S.O. to 14.03.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 28.02.2023</p> <p align="center">O.A.No.1329 of 2023</p> <p>Dr. G. A. KambleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Ghate holding for Shri Gunratan Sadavarte, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. The office has raised objection for not filing M.A. for delay. 3. On last date, one week time was granted for compliance of office objection but not complied. 4. Today, learned Counsel for the Applicant again requested for one week time to file M.A. for delay. 5. One week time is granted to file M.A. for delay condonation and if it is filed within a week, the O.A. be listed before the bench. Failure to file M.A. within a week, the O.A. would stands dismissed without reference to the Tribunal.

Sd/-
(A.P. Kurhekar)
Member(J)

vsm

**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 : 28.02.2023</p> <p style="text-align: center;">O.A.No.161 of 2023</p> <p>M. S. NagulpelliApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Om Lonkar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This is the matter of change in date of birth recorded in the service book. On the basis of date of birth recorded in the service book, the Applicant is retiring today. He has filed the present O.A. on 07.02.2023. Before filing of O.A., he filed W.P. NO.4478/2021 before the Hon'ble High Court which he withdrew on 03.02.2023 and then filed this O.A.</p> <p>3. In view of above, at this juncture, the question of interim relief for allowing Applicant to continue in Government service does not survive.</p> <p>4. The O.A. needs to be heard and decided on its own merit. The Applicant seems to have not made representation for correction of date of birth within five years from the date of joining of his service.</p> <p>5. On request of learned P.O., one week time is granted to file reply.</p> <p>6. S.O. to 13.03.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 28.02.2023</p> <p align="center">O.A.No.1260 of 2022</p> <p>V. N. ThasaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Ganesh Masurkar holding for Shri C. T. Chandratre, learned Counsel for the Applicant and Smt. Archana B. K. learned Presenting Officer for the Respondent Nos.1 to 3 and Shri Shete holding for Shri Lad, learned Counsel for the Respondent No.4.</p> <p>2. Today, learned Counsel for the Respondent No.4 has filed Affidavit in Reply. It is taken on record.</p> <p>3. Two weeks time is granted to file Rejoinder, if any.</p> <p>4. S.O. to 14.03.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p>M. A. No.116 of 2023 in O.A.No.152 of 2023</p> <p>M. T. KadamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri U. V. Bhosale, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. This M.A. is filed to condone the delay of 249 days caused in filing O.A. for interest on delayed payment of retiral benefits. 3. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 27.03.2023. 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. 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 Application 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 Application shall stand dismissed. 9. S.O. to 27.03.2023. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</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 : 28.02.2023</p> <p align="center">M. A. No.128 of 2023 in O.A.No.214 of 2023</p> <p>P. B. Bhoite & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar , learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. This is an application for leave to sue jointly. 3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately. 4. In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid. 5. M. A. No.128 /2023 is allowed. No order as to costs. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p style="text-align: center;">O.A.No.201 of 2023</p> <p>S. V. PatilApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged the order dated 21.10.2022 passed by the Respondent – C.P. Navi Mumbai whereby he was granted 75% pay and allowances for the period of suspension from 04.08.2009 to 31.07.2010 and secondly he was granted only 75% pay and allowances for preceding three years of his reinstatement. 3. The Applicant claims 100% pay and allowances for the period of suspension as well as for out of duty period. 4. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 5. Issue notice before admission returnable on 27.03.2023. 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. 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. 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. 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 Application 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 Application shall stand dismissed. 10. S.O. to 27.03.2023. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p>O.A.No.200 of 2023</p> <p>D. S. Chikkhale ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant stands retired on 31.07.2018 and filed this O.A. on 15.02.2023 claiming pay and allowances for the period beyond 90 days period of suspension. He was suspended by order dated 20.03.2014 in view of his detention in policy custody for more than 48 hours. He was reinstated in service by order dated 11.07.2016. Thereafter, he retired on 31.07.2018. He made representations quite belatedly on 03.10.2022 and 14.11.2022. 3. Thus, apparently the Applicant has not raised any grievance about pay and allowances after 90 days period of suspension was over. It is after 4 years from retirement, he made representations. Thus, prima-facie, O.A. is not within limitation. 4. At this juncture, learned Counsel for the Applicant sought permission to file M.A. for condonation of delay. 5. Two weeks' time is granted to file M.A. for delay, if M.A. is filed within stipulated period, the matter be listed before the Tribunal for further orders. In case of non-compliance, the O.A. would stands dismissed without reference to the Tribunal. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p>O.A.No.1151 of 2022</p> <p>P. S.KadamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Prerana Agavekar holding for Shri Gaikwad, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., one week time is granted to file reply by way of last chance.</p> <p>3. S.O. to 13.03.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p align="center">O.A.No.1139 of 2023</p> <p>T. G. Bhole & Others.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos. 1 and 2. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission with liberty to file Rejoinder, if desires.</p> <p>4. S.O. to 23.03.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 28.02.2023</p> <p align="center">O.A. No.1167 of 2022</p> <p>P. J. MahaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The O.A. is already proceeded without reply since it is not filed within time granted by the Tribunal. 3. Learned P.O. sought short time to take instructions from the department as to whether the issue is covered by the decision already rendered by the Tribunal earlier. 4. This O.A. be kept with O.A. No.1113/2022. 5. S.O. to 02.03.2023. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 : 28.02.2023</p> <p align="center">O.A.No.214 of 2023</p> <p>P. B. Bhoite & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar , learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicants are challenging order dated 04.02.2023 whereby they were transferred from Indapur Police Station to Head Quarter, Pune (Rural) on the administrative ground. 3. Learned Counsel for the Applicants sought to contend that composition of PEB is incorrect and the Respondents be directed to produce the record to consider his interim relief. 4. When asked to learned Counsel for the Applicant, he fairly concedes that Applicants were relieved from Indapur Police Station. 5. In view of above, at this juncture the question of interim relief does not survive. 6. The office objection, if any, are to be removed and court fees to be paid, if not already paid. 7. Issue notice before admission returnable on 13.03.2023. 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.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<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>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/ <i>Miscellaneous</i> Application shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / <i>Miscellaneous</i> Application shall stand dismissed.</p> <p>9. S.O. to 13.03.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**M.A.NO.23 of 2023 in
ORIGINAL APPLICATION NO.622 OF 2021**

The State of Maharashtra & Ors.Applicant (Org. Respd.)

Versus

P.R. KoliRespondents (Org. Appli)

Ms. K.S. Gaikwad, learned Presenting Officer for the Applicants (Org. Respondents).

Ms. Punam Mahajan, learned Advocate has filed leave note.

CORAM : **Justice Mridula Bhatkar, Chairperson
Mr. Bijay Kumar, Member-A**

DATE : 24.02.2023.

O R D E R

1. M.A.No.23/2021 in O.A.No.622/2021 has been filed on behalf of the Original Respondent No.2 i.e. Chief Conservator of Forests (Territorial) Pune praying for relief in terms of paragraph 5 of the present M.A. which is reproduced for ready reference :

“5. *The Applicants, therefore pray that :*
a) *this Hon'ble Tribunal be pleased to grant one month time for implementation of order of this Hon'ble Tribunal.*
b) *this Hon'ble Tribunal be pleased to pass such further and other order as may deem fit and proper in the facts and circumstances of the case in the interest of justice.”*

2. The Applicant (Original Respondent No.2) in support of the prayer for extension of time, has further submitted that the State of Maharashtra in General Administration Department issued Government Resolution dated 14.12.2022 about giving pensionary benefits to the employees whose names were transferred to the supernumerary post as per G.R. dated 31.12.2019; whereas the name of the applicant in O.A. could not transferred to any

supernumerary post till his retirement on 30.06.2021; therefore reference has been made by the Original Respondent No.2 to Original Respondent No.3 on 13.12.2022 which has been forwarded by Original Respondent No.3 to Original Respondent No.1 on 10.01.2023 about eligibility of pensionary benefits to the Original Applicant to which reply has been awaited.

3. Vide G.R. dated 30.06.2020 (copy wherein is at page 112 of the paper book) the G.A.D. had issued notice initially on the fact that the Government's order authorising respective heads of the Administrative Department to create supernumerary posts as required in terms of paragraph 1 of (अ) ते (इ) of G.R. of G.A.D. dated 21.12.2019 which reads as follows :-

“सामान्य प्रशासन विभागाच्या संदर्गाधीन दि.२१.१२.२०१९ च्या शाराब दिर्णयातील परिच्छेद क्र.१ (अ) ते (इ) मध्ये नमूद केलेल्या अधिकारी /कर्मचा-यांना अधिसंख्य पदे निर्माण करण्याचे प्राधिकार प्रशासकीय विभागांना देण्यात येत आहेत.”

4. It is also inferred from the contents of paragraph No.3 of the letter dated 13.12.2022 addressed by the Original Respondent No.2 to the Additional Principal Chief Conservator of Forests, Nagpur (page No.10 of this M.A.) that he is aware of the following directions issued by the Revenue and Forest Department in respect of present matter under adjudication. Relevant part of the said paragraph No.3 is quoted below for ready reference :

“२. तसेच, कार्यालय अधिकारी, महसूल व वन विभाग, मंत्रालय, मुंबई यांचेकडील पत्र क्र.एफएसटी 12/19/ प्र. क्र.३६२ /फ-४, दिनांक 10/01/2022 अन्वये कळविले आहे की, श्री. पी. आर. कोळी, प्रशासकीय अधिकारी हे सेवानिवृत्ती झालेले असल्याने आता त्यांच्या सेवा अधिसंख्य पदावर वर्ग करण्याची आवश्यकता नाही.”

5. It appears that the applicant (Original Respondent No.2) is continuously making avoidable reference and seeking time for completing the process of releasing post retiral benefits to the Original Applicant. It has also not been mentioned whether the applicant has submitted proposal for release of pension and post retiral benefits to the office of CAG.

6. Learned P.O. has pleaded for grant of one month time whereas learned Advocate for the Original Applicant has filed leave note.

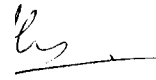
7. In view of the facts before us, in our considered opinion, it is appropriate to concede to the prayer of grant one month time to Original Applicant to comply with our order, in O.A.no.622/2021 and hence following order :

ORDER

(a) M.A.No.23/2023 in O.A.No.622/2021 is allowed.

(b) No order as to costs.

Sd/- 23
(Bijay Kumar)
Member(A)

Sd/- 
(Mridula Bhatkar, J.)
Chairperson

prk_

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p align="center">O.A.No.1217/2022 with O.A.No.1218/2022</p> <p>A.R. BhapkarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadkar, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. While hearing this matter wherein the issue of D.E. is involved it was necessary for use to go through the Police Manual, especially Chapter 13 of the same. However, it is found that the Department does not have the official Marathi translation of Police Manual and it is very difficult to have the Police Manual as it is not published and available in Government press. We would like to know from the Additional Chief Secretary, Home Department whether the Marathi Police Manual is available and it is supplied to all the Departments.</p> <p>3. The Additional Chief Secretary to reply this within 10 days as the matter is adjourned to 09.03.2023.</p> <p>4. The office of C.P.O. is directed to inform this immediately.</p> <p align="center">Sd/- (Medha Gadgil) Member (A)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p align="right">~ u</p> <p align="right">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>28.02.2023</u></p> <p align="center"><u>O.A 35/2023</u></p> <p>Shri K.R Patil ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Hasan Khan holding for S.T Yaseen, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant prays that the implementation of provisional select list dated 27.12.2022 published by District Collector, Satara showing selection of SEBC candidate on Padvidhar Anshkalin Post be stayed.</p> <p>3. We direct that appointment made if any, will be subject to the outcome of this Original Application.</p> <p>4. S.O to 28.3.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>28.02.2023</u></p> <p align="center"><u>O.A 227/2021</u></p> <p>Shri Nakul S. Nyamne ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. Learned P.O on instructions from Shri Rajesh Rathod, Office Superintendent in the office of the Commissioner of Police, Pimpri Chinchwad, that the departmental enquiry will be completed within a period of four week.</p> <p>3. In view of the above, Original Application stands disposed of with direction to the Respondents to complete the departmental enquiry against the applicant within four weeks and communicate the decision to the applicant within a week thereafter.</p>
	<p align="center">Sd/-</p> <p align="center">(Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/-</p> <p align="center">(Mridula Bhatkar, J.) Chairperson</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><u>28.02.2023</u></p> <p><u>O.A 1256/2022</u></p> <p>Shri P.M Khatal ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri A.S Khedkar, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel for the applicant submits that he does not want to file affidavit in rejoinder.</p> <p>3. Admit. Place for final hearing on 5.4.2023.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</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 align="center"><u>O.A. No.773 of 2019</u></p> <p>C.M. Rupanwar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. S.O. to 1.3.2023. HOB.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 28.2.2023 28.2.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. of 20 DISTRICT Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>28.02.2023</u></p> <p><u>C.A 73/2022 in O.A 119/2019</u></p> <p>Smt A.T Sakore ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt A.T Sakore, applicant in person and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned C.P.O submits that the file is pending with the Minister and requested that the matter be fixed after two days.</p> <p>3. In view of the above, matter stands adjourned to 2.3.2023.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</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><u>28.02.2023</u></p> <p><u>R.A 17/2022 in O.A 200/2020</u></p> <p>M.P Jamadar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri M.P Jamadar, applicant in person and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. Learned P.O is directed to file affidavit in reply by way of last chance and if reply is not filed, matter will proceed without reply,</p> <p>3. S.O to 10.3.2023.</p> <p>Sd/- (Medha Gadgil) Member (A) Akt.</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</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><u>28.02.2023</u></p> <p><u>C.A 13/2023 in O.A 961/2022</u></p> <p>J.R Solanki ... Applicant Vs. 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 P.O for the Respondents.</p> <p>2. Learned P.O submits that the matter be fixed after one month and by that time the Respondents will comply with the order of this Tribunal.</p> <p>3. In view of the above, matter stands adjourned</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>Aku</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>28.02.2023</u></p> <p style="text-align: center;"><u>M.A 714/2022 in O.A 1064/2021</u></p> <p>Shri H.T Mahale & Ors ... Petitioners And Smt Manisha S. Jamdade & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri O.M Lonkar, learned advocate for the Petitioners-Intervenors, Ms Pooja Mankoji holding for Smt Punam Mahajan learned counsel for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel Ms Pooja Mankoji submits that the applicants have no objection if the Petitioners-Intervenors are added as party Respondents</p> <p>3. Learned counsel for the applicants is directed to add the Petitioners-Intervenors as party Respondents. Amendment. Amendment to be carried out within two weeks and the copy to be served on the intervenors and the Respondents.</p> <p>4. In view of the above Misc Application stands disposed of.</p> <p>5. O.A 1064/2021 to be placed on Board on 21.3.2023.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- (Medha Gadgil) Member (A)</p> <p style="font-size: small;">Akn</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> </div> </div>

**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>28.02.2023</u></p> <p align="center"><u>O.A 451/2022 and 631/2022</u></p> <p>H.R Gangurde [O.A 451/2022] P.V Topale [O.A 631/2022]... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri S.S Dere, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents. Respondent no. 3 Mr Nitin P. Dhum, in O.A 631/2022 is present.</p> <p>2. Mr Nitin P. Dhum, Respondent no. 3, submits that he was appointed in the year 2017 through direct recruitment and working as Junior Engineer in P.W.D, Nasik Division.</p> <p>3. Mr S.B Kadam, Sheristedar to verify the I.D Card and Aadhar Card of Mr Nitin P. Dhum, Respondent no. 3 and Respondent no. 3 is directed to submit a letter addressed to the Tribunal stating therein that he is already in employment and he is not interested to join.</p> <p>4. In O.A 451/2022 learned counsel for the applicant files affidavit of service of Respondent nos 3 & 4 and states that both Respondents no 3 & 4 are already in service. Respondents no 3 & 4 are not present.</p> <p>5. In view of the above, both the OA stands adjourned to 14.3.2023.</p> <p align="center">Sd/- (Medha Gadgil) Member (A) Akn</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson</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 align="center"><u>O.A. No.864 of 2022</u></p> <p>V.H. Rajnalwar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Not on board. Mentioned and taken on board.</p> <p>3. Ld. Advocate for the applicant submits that there is typographical mistake in the date mentioned on which it is adjourned. Instead of '23.7.2023' it should be corrected as '27.3.2023'.</p> <p>4. Order be corrected accordingly.</p> <p>5. S.O. to 27.3.2023 by way of last chance.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson 28.2.2023 28.2.2023</p> <p>(sgj)</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 align="center"><u>O.A. No.876 of 2021</u></p> <p>H.A. Redekar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri A.S. Patil, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant submits that he is to be given last opportunity to get some documents and concrete information in respect of recognition/approval given to National Backward Krushi Vidyapeeth, Solapur by UGC.</p> <p>3. S.O. to 18.4.2023 by way of last chance.</p> <p align="center">Sd/- Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 28.2.2023 28.2.2023</p> <p>(sgj)</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 align="center"><u>M.A. No.134 of 2023 in O.A. No.228 of 2023</u></p> <p>D.B. Bhosale & 6 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, 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="center">Sd/- Member (A) 27.2.2023 (sgj)</p> <p align="center">Sd/- (Mridula Bhatkar, J.) Chairperson 27.2.2023</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 28.02.2023</p> <p>O.A.No.234 of 2023</p> <p>Dr. S. G. KaleApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. S. Dere, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the order dated 21.02.2023 issued by the Respondent No.1 whereby Respondent No.3 Dr. Bapu Boi has posted in his place as Superintendent , Govt. Women Hospital, Baramati, Pune inter-alia contending that he is transferred in violation of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005') only to favor the Respondent No.3 Dr. Bapu Bhoi.</p> <p>3. The Applicant is presently serving as Medical Superintendent. The Government by order dated 20.09.2017 posted him as Medical Superintendent, Govt. Women Hospital, Baramati, Dist. Pune and was due for transfer in 2020 but continued there. Abruptly, the Government by order dated 21.02.2023 posted the Respondent No.3 in his place and thereby displaced him. He is shown temporarily attached to the office of Deputy Director, Health Services, Pune.</p> <p>4. Learned Counsel for the Applicant sought interim relief stating that there is no approval of transfer of the Applicant by the CSB nor any special case is made out for his transfer. He has further pointed out that only to favor Respondent No.3, his client is unceremoniously displaced.</p> <p>5. The submission advanced by learned Counsel for the Applicant is prima-facie borne out from the record since it is only on request of Respondent No.3, the Applicant is displaced and nothing else. Apart, admittedly, the issue of transfer of the Applicant is not placed before the CSB.</p> <p>6. At this juncture, learned P.O. on instructions submits that file is in progress for giving suitable posting to the Applicant in Pune city. He, therefore, requested to adjourn the mater till tomorrow so that O.A. could be disposed of since the Applicant is also ready if he gets posting anywhere in Pune city.</p> <p>7. S.O. to 01.03.2023 at 2.30 pm.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.235 of 2023

N. B. Bagul

)...Applicant

Versus

The State of Maharashtra & Ors.

) ...Respondents.

Shri A. V. Bandiwadekar, Counsel for the Applicant

Smt. Kranti Gaikwad., Presenting Officer for the Respondent No.1 .

Shri A. A. Gharate, Counsel for Respondent No.2

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

DATE : 28.02.2023.

ORDER

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondent No.1 and Shri A. A. Gharate, learned Counsel for the Respondent No.2.
2. The Applicant has challenged the orders dated 23.02.2023 issued by the Respondent No.1 whereby the Applicant was transferred from the post of Chief Officer, Satana Municipal Council , Dist. Nashik and posted as Assistant Commissioner, Municipal Corporation, Nashik and also challenged another order passed on the same day whereby Respondent No.1 posted the Applicant in place of Applicant as Chief Officer, Satana, Municipal Council, Nashik.
3. The Applicant was transferred and posted as Chief Officer, Satana, Municipal Corporation, Nashik by order dated 08.09.2021 and accordingly joined there. In terms of Section 3 of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005') is entitled to two years tenure at

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one place of posting. However, by impugned transfer order dated 23.02.2023 he is displaced from his present post of Chief Officer, Municipal Council, Satana, Nashik and transferred as Assistant Commissioner, Municipal Corporation, Nashik by curtailing his normal tenure. Insofar as the Respondent No.2 is concerned, the Government by order dated 15.09.2017 posted him at Devala Municipal Council Dist. Nashik where he accordingly joined. However, later Government by order dated 29.12.2022 posted one Shri Shyamkant Jadhav at Devala Municipal Council, Nashik but the Respondent No.2 was not given independent posting. Thus, he was kept on waiting.

4. It is on the above background, the Respondent No.1 – Government has passed transfer orders dated 23.02.2023.

5. Shri A. V. Bandiwadekar, learned Counsel for the Applicant sought interim relief to the transfer orders *inter alia* contending that his client is transferred mid-term and mid-tenure without there being any such administrative exigency or special case and only to favor the Respondent No.2, his client is displaced unceremoniously.

6. Per contra, learned P.O. submits that impugned transfer orders are passed in view of recommendations made by the Civil Services Board (CSB) and approved by the Hon'ble Chief Minister. She has also tendered file noting for perusal of the Tribunal.

7. Learned Counsel for Respondent No.2 also opposes interim relief *inter-alia* contending that his client has already taken charge on 27.02.2023 and, therefore, no interim relief could be granted. In this behalf, he referred to the decision of the Hon'ble Supreme Court in **2009 AIR SCW 7646 (Executive Director, West Bengal, Power Development Corporation Ltd. V/s Sri Ardhendu Sekhar Bala & Ors.)**.

8. Thus, what transpires from the record that admittedly the Applicant was not due for transfer and it is mid-term and mid-tenure. True, under Section 4(5) of 'Act 2005' the competent authority can curtail the tenure in a special case after recording reasons in writing. The perusal of file reveals that the CSB simply recommended for transfer of Applicant and posting the Respondent No.2 in his place stating administrative reason without disclosing what was administrative reason or necessity and it was simply approved by the Hon'ble Chief

Minister. There is absolutely no consideration as to what was the administrative exigency for such mid-term and mid-tenure transfer. Suffice to say, the minutes of CSB as well as file noting is totally silent on this crucial point. Mere mention of "administrative need" is hardly enough. Administrative need was to be spelt out clearly.

9. True, the perusal of file tendered by learned P.O. also reveals that Shri Dilip Borse, MLA, Baglan, Dist. Nashik gave letter dated 23.12.2022 to Deputy Chief Minister for transfer of the Applicant stating that he is not efficient and work of municipal administration is affected. Notably, the same MLA also gave another letter dated 23.12.2022 for appointing the Respondent No.2 at Devala in place of the Applicant.

10. However, strangely there is absolutely no consideration as well as reference of alleged complaint in the recommendation of CSB either in the file noting approved by the Hon'ble Chief Minister. This being the position, it cannot be presumed that the complaint was the reason for such transfer. Apart, the Respondent No.1 has not produced any record to show that any memo was issued to the Applicant pointing out his deficiency in discharge of duties as Chief Officer. It is well settled that transfer on mere complaint without verifying its correctness or ascertaining substance is not permissible since now, the transfers are governed by the provisions of 'Act 2005' otherwise transfers would amount to clock on punishment.

11. The reliance placed on the decision in the matter of Executive Director, West Bengal Power Development Corporation is misplaced. In that case, the Respondent Sri Ardhendu Sekhar Bala was transferred by order dated 26.02.2009 and challenged it by filing W.P. in High Court, Calcutta. By final order dated 30.03.2009, the Hon'ble High Court rejected the W.P. holding that order of transfer could be made in exigency of service so required. Being aggrieved by it, the appeal was filed before Division Bench when appeal was pending, the Respondent No.1 was relieved on 30.03.2009 and another person Shri Kamal Das joined in place of him. After joining of Shri Kamal Das, the Division Bench by order dated 15.06.2009 had stayed the operation of judgment passed by the Single Bench. It is in that context, the Hon'ble Supreme Court held that when another person has joined, the order of granting stay is uncalled for.

6/11/22

Whereas in present case, the transfers are governed and regulated by the provisions of 'Act 2005' and Section 4(5) of 'Act 2005' requires special case and recording of reasons in writing for such mid-terms transfer. The impugned orders were passed on 23.02.2023 and O.A. was filed on 27.02.2023. There were holidays on 25th and 26.02.2023. As such, the Applicant immediately challenged the impugned transfer orders. All that Respondent No.2 has tendered the letter written by himself on 27.02.2023 addressed to Collector that he is taking charge on 27.02.2023, in such situation attempt of taking charge unilaterally in haste should not come in the way of Applicant to claim interim relief particularly when prima-facie transfer order is in contravention of 'Act 2005' and passed only favour the Respondent No.2. The Court /Tribunal is empowered to grant status quo ante in such situation.

12. For the aforesaid reasons, I am satisfied that prima-facie case is made out to grant interim relief.
13. The impugned transfer orders dated 23.02.2023 are stayed till filing of reply and the Applicant be allowed to continue as Chief Officer, Municipal Council, Satana, Nashik.
14. Issue notice before admission returnable on 27.03.2023.
15. 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.
16. 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.
17. 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.

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

19. S.O. to 27.03.2023.

Sd/-

W*

(A. P. KURHEKAR)
MEMBER (J)

