

Date : 29.07.2016.

O.A.No.921 of 2015

A.V. Disale

.... Applicant.

Versus

The State of Maharashtra & Ors

.... Respondents.

1. Shri S.D. Patil, the learned Advocate for the Applicant is absent.
2. Heard Ms. N.G. Gohad, the learned Presenting Officer for the Respondents No.1 to 3 and Shri S.D. Kulkarni, the learned Advocate for Respondent No.4.
3. Shri S.D. Kulkarni, the learned Advocate for Respondent No.4 has filed reply. It is taken on record.
4. Adjourned to 23.08.2016.


(A.H. Joshi, J.)
Chairman

prk

Date : 29.07.2016.

O.A.No.183 of 2016

B.B. Patil


.... Applicant.

Versus

The State of Maharashtra & Ors

.... Respondents.

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
2. In the midst of hearing, it has transpired that while Respondent No.2 claims that he has exercised his *quasi-judicial* authority and acted in all fairness, the text of the order passed by him on 10.08.2015, (Annexure-A19, page 102 of the O.A. paper book), prima facie, does not corroborate the plea.
3. At this stage, learned P.O. was called to contact Respondent No.2 and seek his views on the following points :
Whether he would like to take up the matter for reconsideration upon withdrawing the order dated 10.08.2015 and decide the matter *de nova* within 15 days and file affidavit thereto.
4. Steno copy and Hamdast is allowed to learned P.O..
5. Learned P.O. is directed to communicate this order to the Respondents.
6. S.O. to 02.08.2016.


(A.H. Joshi, J.)
Chairman

O.A.477/2016

Shri R.R. Rathod ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

I have perused the order dated 4th July, 2016 in the Writ Petition No.2934/2014 whereby in condoning the delay in bringing the OA, this OA has to be decided within six months of 4th July, 2016 viz. 4th January, 2017.

Issue notice returnable on 19.08.2016.

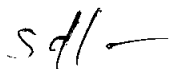
Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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.

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.

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

S.O. to 19th August, 2016. The learned P.O. do waive service.


(R.B. Malik)
Member (J)
29.07.2016

O.A.31/2016

The Scientific Staff Asso. ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Rejoinder taken on record. Admit. Liberty to mention granted.

Sd/-
(R.B. Malik)
Member (J)
29.07.2016

(skw)

O.A.135/2016

Dr. Gaikwad S.S. & Ors. ... Applicants
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.

Rejoinder taken on record. Admit. Liberty to mention granted.

Sd/-
(R.B. Malik)
Member (J)
29.07.2016

(skw)

1

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

C.A.No.63 of 2016 in O.A.No.715 of 2015 with
M.A.No.295 of 2016 with M.A.No.296 of 2016 in
Original Application No.715 of 2015

S.R. Shitut Applicant.

Versus

The State of Maharashtra & Ors. Respondents.

Shri G.A. Bandiwadekar, the learned Advocate for the Applicant.

Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 29.07.2016.

ORDER

1. Heard Shri G.A. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. It is seen that the statement is made in the application that the copy of order was received on 21.06.2016.
3. Learned Advocate Shri G.A. Bandiwadekar for the Applicant further states as follows :-
 - (a) Copy has been served on his letter pad on 14.06.2016.
 - (b) He has shown acknowledgment from the office of Respondent No.1 on the application submitted by the applicant that applicant has furnished copy on 16.06.2016.
4. The officer who has filed the affidavit in support of application was called to state the circumstances in which he has made the statement as regards date of receipt of copy of order passed by this Tribunal in O.A.No.715 of 2015.

5. The officer has shown a copy of letter of received from the office of Respondent No.1 effect that copy of the order was received on 22.06.2016. The officer was called to produce the file of the office of the Respondent No.1. It was produced. Perusal of record reveals that copy of order of this Tribunal was in fact delivered with letter sent by the applicant's Advocate on 14.06.2016.
6. Making a false statement on oath is a serious matter. The person who has filed the affidavit is seen to have believed on official communication. Therefore, it is a fit case for cognizance as Criminal Contempt which as the Contempt has occurred in the presence of the Tribunal.
7. At this stage, learned P.O. states that the matter be kept back and Secretary, i.e. Contemnor No.1 will personally remain present to explain the reasons and circumstances in which the lapse has occurred.
8. The case was again called out for hearing.
9. Shri Bijay Kumar, Principal Secretary, Agriculture, Dairy Development and Fisheries Department is present in person. Shri Bijay Kumar, Principal Secretary states as follows :-
- (a) The delay has occurred and order has been complied with and as action has been taken by the Government the same would be communicated to the Respondents.
 - (b) Proper steps would be taken and order shall be issued for stream lining the procedure of dealing with the court notices in future, and copy thereof shall be produced on record on the next date.
 - (c) He shall file apology for delay and negligence.
10. Steno copy and Hamdast is allowed to learned P.O..
11. Learned P.O. is directed to communicate this order to the Respondents.
12. S.O. to 10.08.2016.

Sd/-
(A.H. Joshi, J.)
Chairman

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.784 OF 2016

DISTRICT : RATNAGIRI

S.R. Sapate

.... Applicant.

Versus

The State of Maharashtra & Ors.

.... Respondents.

Shri S.T. Bhosale, the learned Advocate for the Applicant.

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

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 29.07.2016.

ORDER

1. Heard Shri S.T. Bhosale, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
2. Issue notice for final disposal returnable on 12.08.2016.
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. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
7. Respondent No.3 is put to notice as follows :-
For the present it shall suffice if a short affidavit is filed clarifying the ground numbers (g), (h), (i) and (j) raised in the O.A..
8. After perusal of the short affidavit, if it is found necessary, further time for filing detailed affidavit may be granted.
9. Applicant shall be free to join on the post where he is deputed and such joining may not come in the way of granting any interim or final relief on the next date.
10. Steno copy and Hamdast is allowed to learned P.O..
11. Learned P.O. is directed to communicate this order to the Respondents.
12. S.O. to 12.08.2016.


(A.H. Joshi, J.)
Chairman

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.708 OF 2016****DISTRICT : NASHIK****S.G. Ghodake****.... Applicant.****Versus****The State of Maharashtra & Ors****....Respondents.**

Shri J.N. Kamble, the learned Advocate for the Applicant.

Smt. Archana B.K., the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 29.07.2016.

ORDER

1. Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.
2. Issue notice for final disposal returnable on 03.10.2016.
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. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. Learned Advocate has argued that :-

- (a) The applicant's suspension was ordered on account of registration of offence against the Applicant under Section 498 (a), 323, 504, 506, 34 of Indian Penal Code.
- (b) The FIR resulted in filing of charge-sheet, trial and conviction of the applicant. The said order of conviction was set aside by the Hon'ble High Court and the applicant has been acquitted.
- (c) In view of the acquittal of the applicant by order passed by the Assistant Commissioner of Police, Nashik dated 09.07.2013, (copy whereof is at page 47), the period of suspension and dismissal is treated as period spent on duty.
- (d) The period of suspension is treated as period spent on duty, there does not exist any legal and valid grounds for denial of the applicant for full amount towards salary and allowances.

8. Perused the record annexed to the O.A.. Applicant's claim and submission appear to be well founded.

9. In the aforesaid premises, the Commissioner of Police, Nashik (C.P., Nashik) is directed as follows :-

- (a) The Commissioner of Police, Nashik should call for all the documents and case papers relating to this matter.
- (b) The C.P., Nashik shall read the papers himself.
- (c) After perusal of the paper, if he feels necessary he should take legal advice and assistance.
- (d) After studying the case, he shall form an opinion as to what are the grounds available in law on the basis of which the applicant has been denied full salary and allowances for the period of suspension and dismissal, and whether said denial has legal support, basis and foundation.

10. If the Commissioner of Police, finds that denial of full wages was erroneous he shall be free to withdraw/ cancel / set aside the order dated 12.05.2016 (page 17, annexure A).

If the impugned order is withdrawn, it shall not be necessary to file affidavit-in-reply in this O.A..

11. If the Commissioner of Police, is satisfied that the impugned action is legal and proper, needs to be justified, in that circumstances the detailed affidavit-in-reply be filed.

12. The affidavit-in-reply *inter alia* routine answer, must contain specific reply on the following ground :-

What are the grounds in law or precedent on the basis of which applicant has been denied full salary and allowances during the period of suspension and dismissal etc..

13. Fresh service returnable on 03.10.2016, with a caution that the matter will be taken up and will be heard for final disposal. In the event, Respondent's stand if found to be frivolous and unsustainable, and O.A. is required to be heard and decided, and applicant succeeds, heavy costs shall follow.

14. Steno copy and Hamdast is allowed to learned P.O..

15. Learned P.O. is directed to communicate this order to the Respondents.



(A.H. Joshi, J.)
Chairman

prk

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**MISCELLANEOUS APPLICATION NO.218 OF 2015 IN
ORIGINAL APPLICATION NO.260 OF 2015
WITH
MISCELLANEOUS APPLICATION NO.278 OF 2015 IN
ORIGINAL APPLICATION NO.260 OF 2015**

DISTRICT: MUMBAI

M.A.NO.218 OF 2015 IN O.A.NO.260 OF 2015

Shri Sureshkumar Ramchandra Nalawade,
Age : 52 years, Occ : Electrical Inspector,
industry Energy and Labour Department,
Add : Bali Blocks, Opp. Government Dairy
Campus, Saat Rasta, Solapur.

.... APPLICANT (INTERVENER)

BETWEEN

1. Shri Sambhaji Laxman Ghorpade
Occ. Government Service as Deputy Engineer,)
Mantralaya, Electrical Subdivision,
Mumbai 400 032
Address for service of notice :
B-1/8, Kanayanagar CHS
Kopari Colony, Thane (East) 400 603

4h

Shri Mohan P. Mandalik,)
In-charge Government Service as Deputy Engineer,)
Wantralava. Electrical Subdivision,)
Mumbai 400 032)
Address for service of notice :)
B-1/B/47 Pearls CHS. Janakalyan nagar,)
Marve Road. Malad (West).)

Shri Ninad Krushna Chavan,)
In-charge Government Service as Sectional Engineer,)
Wavin Vidhan Bhavan. Electrical Subdivision.)
Mumbai 400 032)
Address for service of notice :)
B-1/250. Jivdaani Darshan CHS,)
Arundava Nagar, Malad (East) 400 081.)

Mr. Umesh Sudhakar Pawaskar,)
In-charge Government Service as Deputy Engineer,)
Wandheri. Electrical Sub Division.)
Mumbai 400 032)
Address for service of notice :)
B-1/216. Abhudayanagar, Kalachowky,)
Mumbai 400 033.)

Shri Dashrath D. Shinde,)
In-charge Government Service as Sectional Engineer,)
Wandheri. Electrical Sub Division.)
Mumbai 400 032)

Address for service of notice :

304, Virat Heights, Atali Main road,
Ambavali (West), Kalyan.

6. Sachin Bapu Band,

Occ. Government Service as Junior Engineer,
South Mumbai, Electrical Sub Division,
Mumbai 400 032

Address for service of notice :

B-1208, Keshav Shrushti, Near Dean Bank,
LBS Road, Bhandup (West), Mumbai 400 078.

7. Kalyan Mukundrao Bachure,

Occ. Government Service as Sectional Engineer,
Mantralaya, Electrical Sub Division,
Mumbai 400 032

Address for service of notice :

A/12, Rameshwar Darshan CHS,
PN-115-116, Shivganga nagar,
Ambarnath (East), Thane.

8. Sachin Paraji Kokane,

Occ. Government Service as Sectional Engineer,
Malabar Hill, Electrical Sub Division,
Mumbai 400 032

Address for service of notice :

A-14, third floor, Sahajeewan Society,
M.J. Phule road, Naygaon, Dadar (East),
Mumbai 400 014

Sangharsh B. Mane.)
(cc. Government Service as Assistant Engineer,))
Office of the Superintending Engineer.)
Mumbai Regional Circle, Mumbai.)
Address for service of notice :)
Flat No.26. Javhind CHS.)
Near Kalvan Station. Kalyan (West).)

Shri Vitthal Trimbak Jonwal,)
(cc. Government Service as Assistant Engineer.))
Javhin Vidhan Bhavan. Electrical Sub Division.)
Mumbai 400 032)
Address for service of notice :)
Flat No.08. Om Ganesh CHS.)
Bombivali (East). Thane 421 201)

Katnakar Shivaji Patil.)
(cc. Government Service as Deputy Engineer,)
Malabar Hill Electrical Sub Division.)
Mumbai 400 032)
Address for service of notice :)
Flat No.1004. Tenth Floor.)
Emerald Wadhwa Meadows.)
Near Sanghvi Regency, Gauri Pada.)
Kalyan (West). 421 301)

12. Pravin Narayan Kapadi,
Occ. Government Service as Sectional Engineer,
Malabar Hill Electrical Sub Division,
Mumbai 400 032
Address for service of notice :
Room No.3, Kapli Chawl,
Behind Atharv Society, Dhobi Aali,
Thane (West)
13. Mahendra Kumar Nema,
Occ. Government Service as Deputy Engineer,
City Electrical Sub Division,
High Court, Mumbai 400 032
Address for service of notice :
B-155/5, Government Colony, Bandra (East),
Mumbai 51
14. Narayan Khirappa Akmar,
Occ. Government Service as Sectional Engineer,
City Electrical Sub Division,
PWD Building, 4th floor, Mumbai
Address for service of notice :
Flat No.3, Building B-326,
Bandra Govt. Colony,
Mumbai 400 051



Mukund Bhagwat Yadav.)
(cc. Government Service as Sectional Engineer.))
City Electrical Sub Division.)
High Court. Mumbai 400 032)
Address for service of notice :)
B-303. Rachana CHS.)
Khanusaheb Juvekar Marg,)
Bhandup village, Bhandup (East).)
Mumbai 400 042)

Khushal V. Haral)
(cc. Government Service as Junior Engineer,)
City Electrical Sub Division.)
High Court. Mumbai 400 32)

VERSUS

The State of Maharashtra.)
Through the Secretary.)
Public Works Department.)
Government of Maharashtra.)
Working offices at Mantralaya.)
Mumbai 400 32)

Additional Chief Secretary,)
General Administration Department.)
Government of Maharashtra.)
Working office at Mantralaya,)
Mumbai 400 032)

3. The Chief Secretary,
Government of Maharashtra,
Having office at Mantralaya,
Mumbai 400 032
4. The Principal Secretary,
Industry, Energy and Labour Department,
Government of Maharashtra,
having office at Mantralaya, Mumbai 400 032

.....RESPONDENTS

M.A.NO.278 OF 2015 IN O.A.NO.260 OF 2015

1. Shri Mahendra Gondu Tayade,
Occ : Service as Sectional Engineer (Electric),
O/o. the Electrical Inspector,
Secretary Licence & Lift Inspector,
Industries Engineer & Labour Department,
3rd floor, Administrative Building,
Ramkrishna Chemburkar Marg,
Chembur, Mumbai 400 071.
R/o. Room No.401, Bldg. No.A-9,
Happy Valley Co-op. Hsg. Society,
Tikuji Mi Wadi, Manpada, Thane.
2. Shri Uday Shriram Ahire,
Occ. Service as Tracer,
O/o. the Deputy Engineer (Electric),
Div. Public Works, Div, Mulund, Mumbai.

W/o. Gandh Kuti, Flat No.149,)
Mahada Colony, Sector 3,)
Badlapur (E), Dist. Thane 421 503)
Shri Uttam Bansi Sanap,)
Sec. Service as Sectional Engineer,)
W/o. the Electrical Inspector,)
Inspection Division, Thane - 2.)
E and C Department, Thane.)
W/o. B-11, Rameshwar Krupa Co-op. Hsg.,)
Society, Flat No.116-117, Shivganga Nagar,)
Mumbarnath (E), Dist. Thane.)

.....INTERVENER APPLICANTS.

BETWEEN

Bambhaji Laxman Ghorpade,)
Ghohan P. Mahadik,)
Shri Ninad Krishna Chavan,)
Ramesh Sudhakar Pawaskar,)
Rashrath D. Shinde,)
Sachin Babu Band)
Saiwan Mukundrao Bachute,)
Sachin Paraji Kokane,)
Sangharsh B. Mane,)
Santthol Trimbak Jonwal,)
Santnakar Shivaji Patil,)
Srinavin Naravan Kapadi,)
Sudhendra Kumar Nema,)
Srinavan Khirabba Akmar)

15. Mukund Bhagwat Yadav,)

16. Khushal V. Haral)

...ORIGINAL APPLICANTS.

VERSUS

1. The State of Maharashtra,)

2. Additional Chief Secretary,)

3. The Chief Secretary,)

4. The Principal Secretary,)

.....ORIGINAL RESPONDENTS NO.1 TO 4

Shri N.D. Yadav, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents in M.A.No.218/2015 in O.A.No.260/2015.

Shri V.P. Potbhare, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents in M.A.No.278/2015 in O.A.No.260/2015.

CORAM : SHRI RAJIV AGARWAL, VICE-CHAIRMAN

DATE : 29.07.2016.

J U D G M E N T

1. Heard Shri N.D. Yadav, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents in M.A.No.218/2015 in O.A.No.260/2015 as well as heard Shri V.P. Potbhare, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents in M.A.No.278/2015 in O.A.No.260/2015.

2. These two Miscellaneous Applications have been filed by the persons who are working in the Electrical Inspectorate and have applied to be allowed to intervene in the Original Application No.260 of 2015, which has been filed to challenge Government Resolutions dated 26.02.2015 and 24.04.2015 bifurcating the Electric Wing in P.W.D., Maharashtra between the Electrical Inspectorate and P.W.D. Maharashtra. The claim of the Applicants in the Miscellaneous Applications is that if the O.A.No.260/2015 is allowed, the Applicants will be adversely affected. They are, therefore, praying that the Applicants in Miscellaneous Applications may be allowed to be impleaded as Party Respondents in the cause title.

3. In M.A.No.218/2015, the Applicants in O.A.No.260/2015 had filed affidavit-in-reply on 22.06.2015. It is stated that the Applicant in M.A.No.218/2015, was offered promotion in the past, which he did not accept from 2011 to 2015. Now, he cannot claim that decision in O.A.No.260/2015, will adversely affect his prospects for his promotion. The Applicants in O.A.No.260/2015 have opposed the prayers of the Applicant in M.A.No.218/2015. In M.A.No.278/2015, the Applicants in O.A.No.260/2015 have filed affidavit-in-reply on 22.06.2015. It is stated that the Applicants in M.A.No.278/2015 have no locus standi and they are diploma holders and are not eligible for any promotion in Electrical Inspectorate under Energy Department. Their interests will not be adversely affected if O.A.No.260/2015 is allowed.

4. It is seen that the Applicants in O.A.No.260/2015 have challenged Government Resolutions dated 26.02.2015 and 24.04.2015, issued by the Industries, Energy and Labour Department of Government of Maharashtra. The Electrical Inspectorate was taken out from the administrative control of the Public Works Department and was placed under the Energy Department. The employees were also given choice either to remain with P.W.D. or to join Electrical Inspectorate. If these Government Resolutions are held to be unconstitutional, all employees working either in Electrical Wing of P.W.D. or in the Electrical Inspectorate of Energy Department will be affected. The prayer of the Applicants in both the Miscellaneous Applications that they should be allowed to intervene and impleaded as Party Respondents is fully justified. Both the M.A.s are accordingly allowed. The Applicants will implead the Applicants in M.A.No.218/2015 and M.A.No.278/2015 as party Respondents and save copies of the O.A. to them. This should be done within a period of two weeks from today. The O.A. may be kept for further hearing two weeks thereafter.

Sd/-

(RAJIV AGARWAL)
VICE-CHAIRMAN

Place : Mumbai
Date : 29.07.2016
Typed by : PRK

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION 777 OF 2016

DISTRICT : THANE

Shri Gajanan Baban Gawale,)
Residing at 102, "Sadguru Sadan",)
Opp. Dev Darshan Mhasa Road,)
Murbad, Tal-Murbad, Dist-Thane.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Tribal Development Department)
Mantralaya, Mumbai 400 021.)
2. The Addl. Commissioner for)
Tribal Development, Vardan)
Sankul, [Wagale Estate],)
9th floor, Passport Office,)
Thane [W].)
3. The Deputy Commissioner of)
Tribal Development,)
Vardan)
Sankul, [Wagale Estate],)
9th floor, Passport Office,)
Thane [W].)...**Respondents**

Shri L.S Deshmukh, learned advocate for the Applicant.

Ms Archana B.K. learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 28.07.2016

ORDER

1. Heard Shri L.S Deshmukh, learned advocate for the Applicant and Ms Archana B.K. learned Presenting Officer for the Respondents.

2. The Applicant in this case was transferred on his request from Government Ashram School, Nandgaon, Tal-Jawahar, Dist-Palghar to Government Ashram School, Khutal, Dist-Thane. It appears that order was issued by Respondent no. 2 on 31.5.2016 and the Applicant was relieved from his post at Jawahar on 30.6.2016, one month after the order of transfer was issued. Learned Advocate Shri Deshmukh, stated that the Head Master of Ashram School, Khutal did not allow the Applicant to join asking him to produce order from the Project Officer, Jawahar. The Applicant had made two representations to the concerned officer for necessary orders to permit him to join at Khutal, however, to no avail.

3. Now by order dated 16.7.2016 Respondent no. 2 has stayed the earlier order dated 31.5.2016 without

assigning any reason as to why this order has been stayed. Learned Advocate Shri Deshmukh prayed that the order dated 16.7.2016 issued by Respondent no.2 may be stayed and the Applicant be allowed to join at Khutal, Tal-Murbad.

4. Learned Presenting Officer stated that she has not received any instructions in the matter from the Respondents and she seeks time to counter the submission made by the learned advocate for the Applicant.

5. The Applicant was transferred on his request by order dated 31.5.2016. Why he was relieved from the said post after one month will have to be explained by the Respondents. Similarly, why the Head Master of the School at Khutal did not allow him to join will have to be explained. The order which is sought to be stayed dated 16.7.2016 issued by Respondent no. 2 does not disclose any reason as to why Respondent no. 2 has though it fit to stay his earlier order dated 31.5.2016.

6. Considering all these facts, the request of the Applicant to grant interim relief by staying the order dated 16.7.2016 is hereby granted. The Applicant will be allowed to join at Government Ashram School, Khutal, Dist-Thane as per earlier order dated 31.5.2016.

7. Issue notice before admission made returnable on 25.8.2016.

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

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

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

11. The service may be done by Hand delivery, speed post, courier and 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 25.8.2016. Hamdast.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 28.07.2016
Dictation taken by : A.K. Nair.