

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

of 20

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Original Application No.

of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.426/2017</u></p> <p>Mr. B.M. Thakur ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>The learned PO is being instructed by Smt. Kirti Mohite, Section Officer and Mr. V.V. Kalaskar, Assistant Section Officer.</p> <p>As far as the present matter is concerned, the Applicant is a Class-I Government Officer. He has admittedly not completed his tenure of three years. The Respondents, therefore, seek to invoke the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (Transfer Act) whereby for special reasons according to them, they have effected transfer of the Applicant from Alibaug to Gondia. In the first place, I find that the record showing the facts with regard to the special case has not been produced. Further, it is an admitted position that the approval of the Hon'ble Chief Minister has not been taken to effect the transfer in question. For that proposition, reliance is required to be placed on Section 4(5) and Section 6 (b) of the Transfer Act. Although the learned PO asserts that the sanction of the Hon'ble Minister would suffice, I do not think, the express text of the law above referred to supports the said contention, at least not as of today when the matter is placed before me for consideration of interim relief. By an official order, the impugned order is to be effectuated by tomorrow and, therefore, it will be necessary to make an interim order as of today. The order herein impugned in so far as it relates to the Applicant shall not be effectuated till the date next to the filing of the Affidavit-in-reply and the Applicant shall be allowed to function at his present place of posting where he has been transferred from.</p> <p style="text-align: center;">Issue notice made returnable on 12.06.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p>

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

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 12th June, 2017. Hamdast.

Sd/-

(R.B. Malik)
Member (J)
30.05.2017

DATE: 30/5/17

CORAM:

Hon'ble Shri. RAHV AGARWAL
(Vice-Chairman)

Hon'ble Shri R. B. MALIK (Member) J

APPEARANCE:

Shri/Shri A.V. Bandicwadkar

Advocate for the Applicant

Shri/Shri A.T. Chougale

C.P.O./P.O. for the Respondents

Adj. To S.O. to 12/6/17

Hamdast.

(slw)

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	<p><u>O.A.427/2017</u></p> <p>Mrs. M.B. Bhujbal ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>Nobody from the Pune Office of the Respondents is present to give instructions to the learned PO although Mr. N.P. Bansode, Law Officer, Regional Departmental Commissioner, Social Welfare, Konkan Bhawan is present.</p> <p>The Applicant impugns the order of transfer from Pune to Thane. It is not necessary for me to make any detailed observations as of today, save and except that even for fundamentals of the vacancies, the record which would be necessary to be perused has not been produced. I direct that till 1st June, 2017, the impugned order be not effectuated and the Applicant be allowed to continue to function as she has been when the order of transfer was served on her. On 1st June, 2017, the necessary record must be produced and if the short Affidavit-in-reply is filed so much the better. The record must show that post <u>OA 421/2013 (Smt. Madhuri B. Bhujbal Vs. Commissioner of Social Welfare, dated 27.09.2013 (Para 5))</u> whether the gadget notification empowering the Respondent No.1 as Head of the Department has since been published or not.</p> <p>Issue notice made returnable on 01.06.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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>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</p>

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compliance and notice.

S.O. to 1st June, 2017. Hamdast.

Sd/-

(R.B. Malik) 30/5/17
Member (J)
30.05.2017

DATE: 30/5/17

CORAM:

Hon'ble Shri RAHVAGARWAL
(Vice-Chairman)

Hon'ble Shri R. B. MALIK (Member)

APPEARANCE:

Shri/Smt. A.V. Bendiwadaker (skw)

Advocate for the Applicant

Shri/Smt. A.B. Kololgi

C.P.O./P.O. for the Respondents

Adj. To: S.O. to 1/6/17

Hamdast.

(Signature)

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	<p align="center"><u>O.A.428/2017</u></p> <p>Mr. G.K. Alhat ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>Nobody from the Pune Office of the Respondents is present to give instructions to the learned PO although Mr. N.P. Bansode, Law Officer, Regional Departmental Commissioner, Social Welfare, Konkan Bhawan is present.</p> <p>The Applicant impugns the order of transfer from Pune to Ratnagiri. It is not necessary for me to make any detailed observations as of today, save and except that even for fundamentals of the vacancies, the record which would be necessary to be perused has not been produced. I direct that till 1st June, 2017, the impugned order be not effectuated and the Applicant be allowed to continue to function as she has been when the order of transfer was served on her. On 1st June, 2017, the necessary record must be produced and if the short Affidavit-in-reply is filed so much the better. The record must show that post <u>OA 421/2013 (Smt. Madhuri B. Bhujbal Vs. Commissioner of Social Welfare, dated 27.09.2013 (Para 5))</u> whether the gadget notification empowering the Respondent No.1 as Head of the Department has since been published or not.</p> <p>Issue notice made returnable on 01.06.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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>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</p>

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compliance and notice.

S.O. to 1st June, 2017. Hamdast.

Sd/-

~~30.5.17~~
(R.B. Malik)
Member (J)
30.05.2017

DATE: 30/5/17

COEAM:

~~Member Shri. RAJIV AGARWAL~~
(Vice-Chairman)

Head of Shri. B. MALIK (Member) J

APPEARANCE:

Shri. A.V. Bendicwadaker

Advocate for the Applicant

Shri. A.B. Kololgi

C.P.O. for the Respondents

~~Adj. T.~~ S.O. to 1/6/17.

Hamdast.



(skw)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>30/5/17</u></p> <p>CORAM:</p> <p>Hon'ble Shri. RAHVAGARWAL (Vice Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>A.V. Bandiwadekar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>A.J. Chougule</u> C.P.O./P.O. for the Respondents</p> <p><u>S.O. to 12/6/17.</u> Hamdast. @12/</p>	<p style="text-align: center;"><u>O.A.429/2017</u></p> <p>Mr. P.B. Pawar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>The learned PO is being instructed by Mr. V.D. Teke, Assistant Section Officer, Rural Development Dept, Mantralaya.</p> <p>No interim relief as of today. The learned Advocate for the Applicant insisted on an interim relief to keep the vacancies in-tact at Bhiwandi, Dahanu and Kalyan. In my opinion, now that the matter is before the Tribunal, if it would be found that as of today, the state of affairs were such as to entitle the Applicant to the relief even otherwise the Tribunal will be sufficiently empowered to make an order even of mandatory nature at an interlocutory stage, regardless of who would be affected thereby.</p> <p>Issue notice made returnable on 12.06.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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>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.</p> <p>S.O. to 12th June, 2017. Hamdast.</p> <p style="text-align: right;">Sd/- <u>(R.B. Malik)</u> Member (J) 30.05.2017</p> <p style="text-align: right;">30.05.17</p> <p style="text-align: center;">(skw)</p>

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<p><u>DATE: 30/5/17</u></p> <p><u>CORAM:</u></p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u></p> <p>Shri/Smt. <u>A.V. Bandiwadkar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>A.B. Kololgi</u> C.P.O./P.O. for the Respondents</p> <p>Adj. To <u>S.O. to 13/6/17</u></p>	<p><u>O.A.430/2017</u></p> <p>Mr. B.D. Kshirsagar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Mr. A.V. Bandiwadkar, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>Issue notice made returnable on 13.06.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>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>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.</p> <p>S.O. to 13th June, 2017. Liberty reserved for the Applicant to seek interim relief on the next date or any date thereafter.</p> <p>Sd/- <u>(R.B. Malik)</u> Member (J) 30.05.2017</p> <p>(skw)</p>

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

M.A.211/2017 in O.A.512/2016

Mr. D.A. Gawade ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned Presenting Officer for the Respondents.

The learned PO is being instructed by Mr. A.T. Nukate, Assistant Section Officer and Mr. S.A. Deshmukh, Under Secretary, Home Department.

Having gone through the record and proceedings, I am quite plainly unable to comprehend as to why there should have been an occasion for the Applicant to present such an application. The Respondents are clearly treating the earlier orders of the Tribunal made from time to time with complete disdain. I do not think, there is any need to make any administrative order closing the earlier DE which closes itself pursuant to the judicial orders of this Tribunal. I, therefore, direct that on the next date which will not be the long one, the Affidavit-in-reply must be filed and the Respondents will be better advised to see reason and it will be in their own interest that the matter does not escalate into a serious contempt matter.

Issue notice made returnable on 06.06.2017.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

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S.O. to 06th June, 2017. Hamdast.

Sd/-

(R.B. Malik) 30.05.17
Member (J)
30.05.2017

DATE: 30/5/17

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL~~
(Vice-Chairman)

Hon'ble Shri R. B. MALIK (Member) J

APPEARANCE:

Shri ~~A.V. Bandiwadekar~~

Advocate for the Applicant

Shri ~~A.J. Chougule~~
CPO/PO. for the Respondents

Adj. To: S.O. to 6/6/17.

Hamdast.