

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 30.05.2023</p> <p>O.A. No.618 of 2023</p> <p>S.B. GoneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant is seeking transfer to the post of Circle Officer in view of G.R. dated 21.11.1995 whereby Government has taken decision to rotate the posting of Awal Karkun and Circle Officer inter-se^{re} so that they could get experience of working on both posts. The Applicant has already completed normal tenure on the post of Awal Karkun. Initially, he was Circle Officer but later transferred as Awal Karkun. Now again he is seeking posting on the post of Circle Officer. However, his grievance is that his request is not considered though orders of general transfers are already issued.</p> <p>3. It is on the above background, the Applicant has filed the O.A. and sought interim relief to keep one post of Circle Officer from Wadgaon Maval, Theur, Chinchwad, Kalas, Kothrud, Chakan, Khed vacant and posting in one of the post among them. The Applicant has already made representation.</p> <p>4. Thus <i>prima-facie</i> the Applicant has completed normal tenure and in terms of Government policy as reflected in G.R. dated 21.11.1995, it would have been considered for posting in the cadre of Circle Officer. Now, the post of Circle Officers are vacant.</p> <p>5. In view of above, learned P.O. is directed to take instruction as to why the Applicant is not considered for the Transfer on the post of Circle Officer and to apprise the Tribunal on 01.06.2023.</p> <p>6. Respondent No.3 – Collector, Pune is directed to take instruction^{Decision} in the matter by Thursday so that O.A. could be disposed of if Applicant's grievance is redressed.</p> <p>7. S.O. to 01.06.203.</p> <p>8. Steno Copy granted. Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 30.05.2023</p> <p align="center">O.A. No.586 of 2023</p> <p>N.P. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. As observed by the Tribunal in its order dated 23.05.2023 the Applicant is displaced from his post as Deputy Collector, Solapur only to favor Respondent No.2 who is posted in his place. The Applicant has not completed normal tenure but he is displaced and kept in abeyance only to accommodate Respondent No.2. Thus <i>prima-facie</i> impugned order dated 04.05.2023 whereby the Government posted Respondent No.2 in place of the Applicant is arbitrary and in contravention of provision of Transfer Act, 2005. However, interim relief was not granted since Respondent No.2 had already joined in place of the Applicant in haste and secondly file was in process at the level of Hon'ble Chief Minister for giving suitable posting to the Applicant. It is for this reason matter was adjourned and kept today to produce transfer order of the Applicant.</p> <p>3. Learned P.O. has tendered minutes of C.S.B. which recommended the Applicant for posting at Satara. Learned P.O. therefore submits that final order will be passed by Chief Minister within a day or two. The Applicant is ready to accept the posting at Satara.</p> <p>4. The perusal of minutes of C.S.B. also reveals that Chief Minister has directed for giving posting to the Applicant at Satara. Thus what remains is issuance of former order only.</p>

[P.T.O.]

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	<p>5. In view of above, O.A. is disposed of with direction to the Respondent No.1 to issue posting order of the Applicant giving him posting at Satara within three days from today.</p> <p>6. In view of above, O.A. is disposed of with no order as to costs.</p> <p>7. Minutes of C.S.B. are taken on record and marked as letter 'X' for identification.</p> <p>8. Steno copy granted.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. In view of above, at this stage, I am not inclined to stay selection list dated 19.05.2023 as prayed for.</p> <p>6. Issue notice to the Respondents made returnable on 8th June, 2023.</p> <p>7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.</p> <p>10. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed.</p> <p>11. The service may be done by Hand Delivery/Speed Post/Courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>12. S.O. to 8th June, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 30.05.2023</p> <p>(skw)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>6. By show cause notice dated 18.05.2023, Applicants were directed to submit reply which they have not submitted yet. Indeed, they are required to submit reply immediately though no specific period for submission of reply is mentioned in the show cause notice. Since Applicants are already working in promotional post for a long time, it would be appropriate to maintain status-quo as of today and in the meantime, the Applicants shall submit reply to the show cause notice and thereafter, the Respondents shall decide the issue in accordance to law.</p> <p>7. In view of above, the Respondents are directed to maintain status-quo till 9th June, 2023.</p> <p>8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>9. 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>10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.</p> <p>11. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed.</p> <p>12. The service may be done by Hand Delivery/Speed Post/Courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>13. S.O. to 9th June, 2023</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member-J 30.05.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date: 30.05.2023
	<p style="text-align: center;">O.A. No.616 of 2023 (Division Bench matter placed before Single Bench in Vacation)</p> <p>G.P. ChimankarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged order dated 18.05.2023 issued by Government whereby his appointment has been cancelled since in verification of character it was revealed that offence u/s.420, 471, 468, 120 (B), 34 of IPC r/w Section 13 (1) (a) of Prevention of Corruption Act, 1988 was registered against him vide Crime No.510/2020 in city police station, Buldhana. The Applicant prayed for stay to the order dated 18.05.2023 and continuation in service as interim relief.</p> <p>3. The Applicant was appointed on the post of Chief Administrative Officer in Medical Education and Drugs Department by order dated 16.03.2023. In appointment order in condition No.12 it is stated that in verification of antecedents if character is found unsatisfactory his services will be terminated with one month notice. Whereas, in condition No.13 it is stated that where information submitted by the Applicant is found false, in that event his services will be terminated without giving any notice.</p> <p>4. Shri M.D. Lonkar, learned Advocate for the Applicant submits that though offence was registered against the Applicant he was not arrested in view of grant of Anticipatory Bail, and therefore while submitting attestation form, the Applicant stated that he was not arrested in crime. He has further submitted that till date police have not filed charge-sheet, and therefore the Applicant has mentioned in form that there is no prosecution against him.</p> <p>5. Though the Applicant has answered the question in attestation form in technical manner, the fact remains</p>

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

that the crime for the offence u/s.420, 471, 468, 120 (B), 34 of IPC r/w Section 13 (1) (a) of Prevention of Corruption Act, 1988 was registered against him. This being so, even if he was not arrested because of anticipatory bail granted to him, in all fairness he should have disclosed about the registration of crime against him in attestation form. However, the perusal of attestation form reveals that he has not disclosed the material information and suppressed it.

6. In view of above, once appointment order is cancelled by order dated 18.05.2023 the question of interim relief does not survives since grant of interim relief would amount to grant of final relief to reinstate in service which is not permissible.

7. In view of above, no case is made out to grant interim relief.

8 The office objections, if any, are to be removed and court fees to be paid, if not already paid.

9. Issue notice before admission returnable on 21.06.2023.

10. 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.

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

12. 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.

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

14. S.O. to 21.06.2023.

Sd/-
(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.617/2023</u></p> <p>Shri M.S. Kembalkar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <ol style="list-style-type: none"> Smt. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for Respondents is present. The Applicant has challenged the transfer order dated 26.05.2023 whereby he is transferred from Kolhapur to Sindhudurg on vacant post <i>inter-alia</i> contending that he is due to retire in 11 months i.e. in April, 2023, and therefore, he should have been given extension as per the representation made by him. He, therefore, prayed for interim relief to stay the operation of transfer order. The learned P.O. opposed the interim relief and has pointed out that Applicant is at Kolhapur from 2016 and had completed more than 7 years. She has further pointed out that Applicant is given adjoining district Sindhudurg on transfer. The perusal of record reveals that the Government by order dated 31.05.2016 transferred the Applicant from Gadchiroli to Kolhapur on the post of Assistant Commissioner (Food). He has completed three years' tenure in that post which was Kolhapur-II. After completion of three years', he again transferred from Kolhapur-II to Kolhapur-I on family difficulties meaning thereby, he was kept in same City i.e. Kolhapur. Now, by order dated 26.05.2023, he is transferred from Kolhapur-II to Sindhudurg. As such, obviously, the Applicant has completed more than 7 years at Kolhapur. Despite this position, he again made representation for continuation at Kolhapur.

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	<p>5. True, as per Section 5(1) where Government servant is retiring within a year, his request for extension can be considered and he can be exempted from transfer. However, in the present case, the Applicant has already completed seven years at Kolhapur inclusive of posting at Kolhapur-I and Kolhapur-II. In such situation the Respondents' action cannot be said unjustified in refusing further extension in Kolhapur.</p> <p>6. In view of above, I am not inclined to grant interim relief.</p> <p>7. Issue notice to the Respondents made returnable on 20th June, 2023.</p> <p>8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>9. 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>10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.</p> <p>11. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the O.A. shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the O.A. shall stand dismissed.</p> <p>12. The service may be done by Hand Delivery/Speed Post/Courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>13. S.O. to 20th June, 2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 30.05.2023</p> <p>(skw)</p>

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	<p>expedited and by order dated 21.04.2023, impugned communication rejecting correction in date of birth was quashed and set aside. More than five weeks' time was available with the Respondents to avail stay order from Hon'ble High Court, but Respondents have not yet filed Writ Petition. Thus, they are sitting over the matter.</p> <p>6. In such situation, in view of decision rendered by the Tribunal, interim relief needs to be granted, otherwise he will not get fruits of the order passed in his favour.</p> <p>7. For the aforesaid reasons, by way of interim relief, the Respondents are directed to continue the services of the Applicant till returnable date i.e. 5th June, 2023.</p> <p>8. Issue notice of Contempt Application to the Respondents made returnable on 5th June, 2023. Steno-copy allowed.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 30.05.2023</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. _____ 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: 30.05.2023</p> <p align="center">M.A. No.361 of 2023 in O.A. No.614 of 2023 (Division Bench matter placed before Single Bench in Vacation)</p> <p>S.V. Magar & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri V.U. Pawar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. When the matter is taken up for admission learned Advocate for the Applicant on instruction from the Applicant submits that he want to withdraw O.A.</p> <p>3. Allowed to withdraw O.A.</p> <p>4. In view of above, M.A. and O.A. are disposed of with no order as to costs.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

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Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 30.05.2023</p> <p align="center">O.A. No.615 of 2023</p> <p>D.G. PilankarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged Transfer order dated 25.05.2023 whereby he is transferred from the post of Round Forest Officer / Forester, Kasal, Tal.-Kudal, District – Sindhudurg to the post of Forester, Social Forestry, Lanja, Ratnagiri on the ground that Respondents have not followed the procedure laid down in G.R. dated 09.04.2018 and prayed for interim relief to stay the operation of Transfer order.</p> <p>3. Admittedly, the Applicant has completed normal tenure and was due for Transfer. At this stage, it is not possible to make any comments as to whether Respondents have committed breach of the provision / instruction contend in G.R. dated 09.04.2018. It is required to be decided on merit after giving opportunity to the Respondents to file Affidavit-in-Reply. That apart, it is Transfer order of 34 employees and even ^{if} the Applicant's Transfer is stayed it would form ^{have} cascading effect since it is chain Transfer. Therefore, I am not inclined to stay the operation of Transfer order dated 25.05.2023.</p> <p>4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p>

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	<p>5. Issue notice before admission returnable on 20.06.2023.</p> <p>6 Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>8. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>9. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>10. S.O. to 20.06.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 30.05.2023</p> <p align="center">O.A. No.613 of 2023</p> <p>M.M. SalunkeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.G. Jadhav, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged Transfer order dated 23.05.2023 whereby he is transferred from Devla to Nandgaon on the ground that he was not given posting as per the options given by him and sought interim relief.</p> <p>3. Admittedly, the Applicant has completed normal tenure and was due for Transfer. One Shri Gangadhar Pawar has been posted in his place who is not impleaded in the O.A.</p> <p>4. Since the Applicant has already completed normal tenure, at this stage I am not inclined to grant interim relief to stay impugned Transfer order. If impugned Transfer is stayed it would form ^{have} cascading effect since it is chain Transfer.</p> <p>5. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>6. Issue notice before admission returnable on 20.06.2023.</p> <p>7 Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing. [P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>11. Liberty is granted to learned Advocate for the Applicant to implead Shri Gangadhar Pawar who is posted in place of the Applicant. He be added as Respondent No.4.</p> <p>12. S.O. to 20.06.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>