

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO.483 OF 2019**

Shri Sachin A. Repal

..Applicant

Versus

The State of Maharashtra & Ors.

..Respondents

Shri U.V. Bhosle – Advocate for the Applicant

Smt. Archana B.K. –Presenting Officer for the Respondents

CORAM : Shri P.N. Dixit, Vice-Chairman (A)

DATE : 30<sup>th</sup> May, 2019

**ORDER**

1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.
2. Issue notice returnable on 17.6.2019.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. The Applicant was posted as Divisional Forest Officer, Sanjay Gandhi National Park, Mumbai. He had joined at this post on 26.12.2018 as per the order issued on 12.12.2018 (Exhibit A page 12 of OA). Vide impugned order dated 27.5.2019 (Exhibit B page 14 of OA) he has been transferred as Divisional Forest Officer (Mangroves), Mumbai. The order states that he has been transferred under Section 4(4) and 4(5) of The Maharashtra Government Servants Regulation of Transfers & Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as "the Transfer Act") in place of Shri V.R. Jagtap, who is retiring and the post is going to be vacant. The remark says that the transfer has been effected for administrative reasons.
9. Ld. Advocate for the Applicant has agitated against this impugned order and made the following prayer for interim relief:

*"10(a) By a suitable order/direction the Respondent may be directed to produce before the Hon'ble Tribunal the notings of the file regarding*

*Speed*



*transfer of the Applicant made vide impugned order dated 27.5.2019.”*

*(b) Till the hearing and final disposal of the case, the impugned order No.MFS-2019/Pra.Kra./F-8 dated 27<sup>th</sup> May, 2019 may be stayed.”*

*(Quoted from page 10 of OA)*

10. Ld. PO on instructions from Shri Bharat Namdev Bide, Assistant Section Officer, Revenue & Forest Department, Mantralaya, Mumbai, has produced the original record regarding transfer. The original file was also shown to the Ld. Advocate for the Applicant. A copy of the original file is placed on record and also given to the Ld. Advocate for the Applicant. The noting of the file states as under:

*“A competent officer is required to be posted as DFO (MMCU), Mumbai, which is falling vacant on 31.5.2019 due to retirement of Shri V.R. Jagtap. This post is responsible for protection of mangroves, as per the HC directions. May be appd.*

*Sd/-*

*22/5/2019”*

11. The recommendations made by Civil Services Board on 22.5.2019 has been approved by the Hon'ble Minister on 27.5.2019. The noting does not show that the Respondents have considered the request made by other officers including by one D.R. Patil, Divisional Forest Officer of CIDCO, Mumbai (para 6.8 page 5-6 of OA). The decision by the Civil Services Board appears to have been made by picking up the officer and apparently the reason mentioned is that he is competent. This cannot be the reason for his premature transfer within a period of five months.

*8740*

12. In view of the above, prayer clause 10(b) made by the Applicant for interim relief appears to be prima facie convincing and therefore granted, which reads as under:

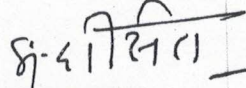
*“10(b) Till the hearing and final disposal of the case, the impugned order No.MFS-2019/Pra.Kra./F-8 dated 27<sup>th</sup> May, 2019 may be stayed.”*

(Quoted from page 10 of OA)

13. Ld. PO seeks two weeks time to file reply. The Respondents should particularly address to paras 6.6, 6.12, 6.13 and 6.14.

14. By consent S.O. to 17.6.2019.

15. Steno copy and hamdast is granted. Ld. PO is directed to communicate this order to the Respondents.

  
(P.N. Dixit)  
Vice-Chairman (A)  
30.5.2019

Dictation taken by: S.G. Jawalkar.

G:\JAWALKAR\Judgements\2019\5 May, 2019\OA.483.19.J.5.2019-SARepal-SO.17.6.19.doc



**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**  
M.A. No.284 of 2019 in O.A. No.301 of 2017

Date: - 30/05/2019.

CORAM: -

Hon'ble Smt. P. N. Dixit, Vice-chairman (A)

APPEARANCE: -

Smt. Archana B.K., PO. for the Applicants  
(ori. Respondents)

Advocate for the Respondent - ori. Appli.  
is not present.

Order passed by Tribunal column  
M.A. is disposed off accordingly.  
Steno copy & Hamdast is granted.

*AS  
last  
30/5/19  
cksc.*

The State of Maharashtra & Ors. ..Applicants  
Vs.  
Shri Jeevan K. Bhosale ..Respondent

Heard Smt. Archana B.K., learned Presenting Officer  
for the Applicants-original Respondents. Advocate for the  
Respondent-original applicant is not present.

2. In the above OA the Tribunal had granted 3 months  
time for implementing the order from 4.2.2019.

3. In the above MA following prayer is made:

*"6(a) This Hon'ble Tribunal be pleased to grant  
two months time for filing Writ Petition challenging  
the order passed by this Hon'ble Tribunal."*

(Quoted from page 4 of MA)

4. For the reasons stated in the MA, a period of one  
month is granted for doing the needful. MA is disposed off  
accordingly.

5. Steno copy and hamdast is granted. Ld. PO is  
directed to communicate this order to all concerned.

*P.N. Dixit*  
(P.N. Dixit)  
Vice-Chairman (A)  
30.5.2019

(sgj)



**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**  
M.A. No.285 of 2019 in O.A. No.282 of 2018

Date:- 30/05/2019

CORAM:-

Hon'ble Shri. P.N. Dixit, vice-chairman (A).  
(vacation Judge)

APPEARANCE:-

Smt. Archana B.K., P.O. for the Applicants -  
(ori. Respondents)

Advocate for the Respondents - (ori. Appli.)  
is not present.

Order passed by Tribunal column

M.A. is disposed off accordingly.

Steno copy & Hamdast is granted

*P. N. Dixit*  
30/5/19  
clerk.

The State of Maharashtra & Ors. ..Applicants  
Vs.  
Shri Arun A. Lokhande ..Respondent

Heard Smt. Archana B.K., learned Presenting Officer  
for the Applicants-original Respondents. Advocate for the  
Respondent-original applicant is not present.

2. In the above OA the Tribunal had granted 3 months  
time for implementing the order from 4.2.2019.

3. In the above MA following prayer is made:

*"6(a) This Hon'ble Tribunal be pleased to grant  
two months time for filing Writ Petition challenging  
the order passed by this Hon'ble Tribunal."*

(Quoted from page 4 of MA)

4. For the reasons stated in the MA, a period of one  
month is granted for doing the needful. MA is disposed off  
accordingly.

5. Steno copy and hamdast is granted. Ld. PO is  
directed to communicate this order to all concerned.

*P. N. Dixit*  
(P.N. Dixit)  
Vice-Chairman (A)  
30.5.2019

(sgj)



**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**  
M.A. No.286 of 2019 in O.A. No.33 of 2018

Date! - 30/05/2019

CORAM: -

Hon'ble Shri. P.N. Dixit,  
vice-chairman (A)

(Vacation Judge)

APPEARANCE: -

Smt. Archana B. K., P.O. for the  
Applicants-original Respondents.  
Advocate for the Respondent-original  
Applicants is not present.

Order passed by Tribunal column  
M.A. is disposed off accordingly.

Steno copy & Hamdast is granted.

*For  
30/5/19  
clerk.*

The State of Maharashtra & Ors. ..Applicants  
Vs. ..Respondent  
Shri Subhash R. Shahane

Heard Smt. Archana B.K., learned Presenting Officer  
for the Applicants-original Respondents. Advocate for the  
Respondent-original applicant is not present.

2. In the above OA the Tribunal had granted 3 months  
time for implementing the order from 4.2.2019.

3. In the above MA following prayer is made:

*"6(a) This Hon'ble Tribunal be pleased to grant  
two months time for filing Writ Petition challenging  
the order passed by this Hon'ble Tribunal."*

(Quoted from page 4 of MA)

4. For the reasons stated in the MA, a period of one  
month is granted for doing the needful. MA is disposed off  
accordingly.

5. Steno copy and hamdast is granted. Ld. PO is  
directed to communicate this order to all concerned.

*P.N. Dixit*  
(P.N. Dixit)  
Vice-Chairman (A)  
30.5.2019

(sgj)