

**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 : 30.08.2021.</p> <p style="text-align: center;">O.A.No.539 of 2021</p> <p>V.D. Patil .Applicant Vs. The State of Maharashtra & Ors. .Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. In view of the short-affidavit-in-reply dated 12.08.2021 which is on record filed on behalf of Respondent No.2, through Dr. Vijay Poshshattirao Kandewad, presenting working as Joint Director (Administration and Finance) and considering the submissions of the learned Advocate I have expressed that the order of transfer can be justified.</p> <p>3. At this stage learned Advocate submits that he wants adjournment to produce 2 judgments on this point.</p> <p>4. The learned P.O. refers to the short-affidavit-in-reply dated 12.08.2021 and submits that in view of the vacancy of the post where he is transferred it was necessary for the Government to fill up the post on the ground of administrative exigencies. She further submitted that as per Government Resolution dated 09.04.2018 along with step 2, 5 and especially sub clause IV and step 5 is to be read, wherein the Government reserves its power of not to take into account the preferences given by the Government servant on the ground of administrative exigency/ administrative requirements.</p> <p>5. In reply to the above submissions of learned P.O. the learned Advocate submitted that clause IV of step 5 cannot be read in isolation, but it is also to be read with clause III of step 5 and bullet point 1 in step 2.</p> <p>5. Considered the submissions of both, learned Advocate and learned P.O.</p>

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6. Admittedly the Applicant was due for transfer. The name of the applicant was considered in the Civil Services Board meeting held on 29.07.2021 and photo copy of the minutes of the meeting is produced by the learned P.O. On perusal of the record it reveals that the applicant is working as Administrative officer from 17.04.2018 till date. In the minutes all 9 preferences are given by the applicant is mentioned, so also representation of the applicant and the recommendation of Dr. Ashok Thorat, Civil Surgeon Nashik, the higher authority is also considered. On the basis of the affidavit-in-reply learned P.O. submitted that as per Annexure 1 of the G.R. dated 09.04.2018 regarding consideration of preferential list while issuing transfer orders of the employees, there is no mention of consideration of the aspect of children's education. Hence the ground that applicant's daughter is studying in 10th standard cannot be taken into consideration. Further it was pointed out that out of 10 posts, 5 posts are vacant since 2007 and 1 post is going to fall vacant today and 7 more posts are going to fall vacant on 30.04.2022. State has kept 5 posts vacant since 2017. However if the decision is taken by the State to fill up the posts now by following all legalities then no indulgence is required from the Tribunal. Moreover as per G.R. of 2018 after going through the relevant clauses i.e. step 2 and step 5 though it is necessary for the State to consider 10 preferences given by the Government servant at the time of his transfer, the power of the State not to consider either of the choices is reserved with the State as per clause IV, step 5 of the G.R. itself. Moreover on query it is found that the applicant is having his own house in Nashik city and his family is residing there. Hence, no inconvenience will be caused to the applicant, as such if at all he is required to leave Nashik and join his services at Mumbai.

7. In view of above, matter is dismissed at interim stage.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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

Tribunal's orders

Date : 30.08.2021.

O.A.No.651 of 2021

Dr. S.S. ShintreApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Applicant, Medical Officer Professor of Orthopedics, Trauma Care Centre, Sassoon Hospital, Pune, challenges transfer order dated 26.08.2021 transferring him to the post of Professor of Orthopedics, Trauma Care Centre, Shri Vasantrao Naik, Government Medical College, Yavatmal on the following grounds :-

- (a) Applicant has put in only 11 months on the present post. Hence, there is non compliance of Section 4(4) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as ROT Act, 2005 for brevity).
- (b) Civil Services Board (CSB) was not conducted.
- (c) Applicant has to look after his old father.

3. The learned Advocate submits that in view of the above ground the transfer order of the applicant is malafide.

4. The learned P.O. seeks time to take instructions as the matter is filed today.

5. In view of this applicant to continue at the present post till next date.

6. Adjourned to 07.09.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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	<p style="text-align: center;"><u>30.08.2021</u></p> <p style="text-align: center;"><u>O.A 654/2021</u></p> <p>Shri Sachin R. Shete ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned P.O for the Respondents.</p> <p>2. The applicant, working as Talathi challenges transfer order dated 5.8.2021, by which applicant is transferred from the post of Talathi, Sajja Ghot to the post of Talathi, Sajja Bhosgaon.</p> <p>3. Learned counsel for the applicant challenges the transfer order on following grounds:-</p> <p>(a) The applicant falls under Group-C and is entitled for 6 years tenure. The applicant has completed only 5 years and two months at Sajja Ghot.</p> <p>(b) The transfer order is issued in violation of the provisions of Section 4(4)(ii) and 4(5) of the ROT Act. The approval of next higher authority, i.e. Hon'ble Minister is not taken.</p> <p>(c) The case of the applicant is not placed before the Civil Services Board, though it is mandatory.</p> <p>4. Learned counsel for the applicant submits that the applicant is not relived and nobody is posted in his place.</p> <p>5. Issue notice made returnable on 2.9.2021.</p> <p>6. 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. Private service is allowed in view of this present COVID-19 Pandemic situation. 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.T.O.]

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

8. 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 before returnable date or on
the same date. Applicant is directed to file affidavit of
compliance and notice.

9. Learned P.O waives service of notice.

10. The applicant not to be relieved from his post
and he should be allowed to work as Talathi, Sajja
Ghot, till the next date.

11. S.O to 2.9.2021.

Sd/-

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(Mridula Bhatkar, J.)
Chairperson

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p style="text-align: center;"><u>30.08.2021</u></p> <p style="text-align: center;"><u>O.A 653/2021 with Caveat No. 51/2021</u></p> <p>P.K Shelar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents and Ms Sonali Pawar, learned advocate for the Caveator Shri D.Y Arote.</p> <p>2. The applicant, Sub Divisional Officer, Mutha Canal Sub Division, Pune, challenges order dated 24.8.2021 and 27.8.2021 transferring the applicant to the office of Chief Engineer and Specified Project, Pune and direct the Respondent to allow the applicant to continue to work as Sub Divisional Officer, Mutha Canal Irrigation Sub Division.</p> <p>3. Learned counsel for the applicant challenges the transfer order on following grounds:-</p> <p>(a) Transfer order is mid-term and mid-tenure.</p> <p>(b) The transfer order is issued in blatant violation of the provisions of Sec 4(4)(ii) and 4(5) of the ROT Act, 2005.</p> <p>(c) The applicant has spent one year and 11 months at the present place of posting.</p> <p>(d) The applicant is going to retire on superannuation on 31.5.2022 and only 9 months are remaining.</p> <p>4. Learned counsel for the applicant submits that at the time of filing of this matter, she had knowledge that one private person has filed Caveat and so she has served copy of the petition on the learned counsel for the private party-Caveator. Learned counsel for the applicant submits that nobody has been transferred in the place of the applicant.</p> <p>5. Learned P.O submits that the applicant is relied on 27.8.2021.</p> <p>6. Learned counsel for the Caveator submits that the Caveator is serving as a Senior Clerk in the office of Mutha Canal Irrigation Sub Division, Swargate, Pune. Learned counsel submits that she has no instructions about the locus.</p> <p>7. Issue notice made returnable on 1.9.2021.</p> <p style="text-align: right;">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram,
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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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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.

10. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

11. Learned P.O waives service of notice.

12. S.O to 1.9.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

Akn

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	<p>Date : 30.08.2021.</p> <p align="center">O.A.No.650 of 2021</p> <p>A.D. MengeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant, Police Naik, challenges the transfer order dated 04.08.2021 transferring him from Dacoiti and Anti Dacoiti and Anti Vehicle Theft (Crime Branch) to Lashkar Police Station, Pune on the following grounds :-</p> <p>(a) The Applicant's transfer is mid-tenure i.e. within 9 months from his previous posting his transfer order is issued.</p> <p>(b) Though there is compliant against him no special circumstances is made out under Section 22 N of the Maharashtra Police (Amendment) Act 2015.</p> <p>3. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>4. Issue notice before admission returnable on 01.09.2021.</p> <p>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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p>

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. 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>8. S.O. to 01.09.2021.</p> <p style="text-align: center;">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p align="center"><u>30.08.2021</u></p> <p align="center"><u>O.A 652/2021</u></p> <p>Smt Jayshree M. Kawade ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Shri A.J Chougule, learned P.O for the Respondents.</p> <p>2. The applicant is transferred from the post of Circle Officer, Bhosari, Pimpri Chinchwad Tahsil Office, Tal-Haveli, Dist-Pune to the post of Awal Karkoon, Tahsil office, Pimpri Chinchwad, Tal-Haveli, Dist-Pune.</p> <p>3. Learned counsel for the applicant prays that the Respondents be directed to repost the applicant and allow her to work on the post of Circle Officer, Bhosari, Pimpri Chinchwad Tahsil office, Tal-Haveli, Dist-Pune.</p> <p>4. Learned counsel for the applicant challenges the transfer order on following grounds:-</p> <p>(a) This is a mid-term and mid-tenure transfer. The approval of the next higher authority is not taken.</p> <p>(b) The transfer order is issued before completion of the normal tenure of the applicant and hence compliance under section 4(5) and 4(4)(ii) and 4(5) of the ROT Act is mandatory.</p> <p>5. Learned P.O submits that the present applicant has filed another O.A 135/2021, challenging transfer order dated 9.2.2021 and the same is pending. Learned P.O is directed to produce the original record for perusal of this Tribunal.</p> <p>6. Issue notice made returnable on 1.9.2021.</p> <p>7. 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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure)</p>

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Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

9. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

10. S.O to 1.9.2021.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

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	<p>Date : 30.08.2021.</p> <p align="center">O.A.No.646 of 2021</p> <p>T.A. SayyadApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Nagnath Bhumkar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant, Police Head Constable, working in the Human Welfare, C.P. Office Pune Police Department, challenges the transfer order dated 04.08.2021 issued by the Respondent No.1 thereby transferred him from Kothrud Transport Department, Pune to Uttamnagar Police Station, Pune on the following grounds.</p> <p>(a) The Applicant is transferred in internal Department five times.</p> <p>(b) The Applicant's wife is suffering from tuberculosis and his brother is suffering from mental health. He has no parents.</p> <p>3. The Applicant is directed to join his duty at Uttamnagar Police Station, Pune without any prejudice.</p> <p>4. Adjourned to 06.09.2021.</p> <p align="right">A 7 / Sd/- / (Mridula Bhatkar, J.) Chairperson</p>

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	<p>Date : 30.08.2021.</p> <p align="center">O.A.No.549 of 2021 with O.A.No.550 of 2021</p> <p>S.K. Khade (O.A.549/2021) R.S. Vanjare (O.A.550/2021)Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Ms. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The learned P.O. for the Respondents files affidavit-in-reply, dated 27.08.2021 and 30.08.2021 in O.A.No.549/2021 and O.A.No.550/2021 respectively, on behalf of Respondent No.2, through Mr. Rajendra Maruti Kadam, Police Inspector, Crime Branch, Office of the Commissioner of Police, Pune. Taken on record. Copy to be served upon learned Advocate for the Applicant.</p> <p>3. At the request of learned Advocate for the Applicant adjourned to 06.09.2021.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date : 30.08.2021.</p> <p align="center">O.A.No.637 of 2021</p> <p>R.M. PardeshiApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Pursuant to the order dated 27.08.2021 passed by this Tribunal the learned Counsel for the applicant submits that the applicant though relieved has not joined the place of his transfer.</p> <p>3. The learned P.O. produces Government Resolution (G.R.) dated 29.10.2020 wherein the tenure of Group-C employee can be shorten than six years. However, as per Section 3 proviso of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as ROT Act, 2005 for brevity) there are two full tenures which means 6 years.</p> <p>4. Adjourned to 02.09.2021. \ \ / /</p> <p align="right">Sd/- _____</p> <p align="right">J (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p>Date : 30.08.2021.</p> <p align="center">O.A.No.623 of 2021</p> <p>P.T. BhoirApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today affidavit-in-reply is not filed by the Respondents. The learned Advocate submits that out of the 4 preferential choices given by the applicant which were vacant earlier, however on 23.08.2021 the Respondents have filled-up 3 posts and only one post at Panvel-2, District Raigad is kept vacant.</p> <p>3. In view of this the Respondent shall not fill up the one post at Panvel-2 until further orders. Applicant is directed to join the post transferred post without prejudice.</p> <p>4. At the request of learned P.O. Adjourned to 07.09.2021 for affidavit-in-reply.</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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	<p align="center"><u>30.08.2021</u></p> <p align="center"><u>O.A 647/2021</u></p> <p>Smt Jyoti U. Shenoy ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri B.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. The applicant challenges the order dated 7.6.2021 passed by the Respondents wherein the Respondents refused to extend the benefits of Time Bound Promotion / Assured Career Progression Scheme benefits.</p> <p>3. Issue notice made returnable on 28.9.2021.</p> <p>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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. S.O to 28.9.2021. Sd/-</p> <p align="center">Sd/-</p> <p>[Medha Gadgil] Member (A)</p> <p align="right">[Mridula Bhatkar, J.] Chairperson</p> <p align="right">[P.T.O.]</p>

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	<p align="center"><u>30.08.2021</u></p> <p align="center"><u>C.A 3/2021 in O.A 951/2019</u></p> <p>Shri B.R Gaikwad ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri A.R Joshi, holding for Shri V.V Joshi, learned advocate for the applicant and Ms Archana B.K., learned P.O for the Respondents.</p> <p>2. The learned P.O has submitted an affidavit in reply filed by Shri Sachin L. Baravkar, Sub Divisional Officer, Sub-Division, Haveli, Dist-Pune, dated 26th August, 2021, intimating compliance of the order of this Tribunal dated 17.2.2020 and also unconditional apology for inconvenience caused to this Tribunal in not complying with the orders of this Tribunal in time limit.</p> <p>3. Learned counsel for the applicant points out that Provisional Pension is only paid upto 4.3.2021.</p> <p>4. Contempt Application stands disposed of since the order has been complied with. However, Respondents are directed to pay provisional pension regularly.</p> <p align="right">Sd/-</p> <p align="center">Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 30.08.2021.</p> <p align="center">O.A.No.624 of 2021</p> <p>V.V. SakpalApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. K.R. Jagdale, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today affidavit-in-reply is not filed by the Respondents. The learned Advocate submits that out of the 6 preferential choices given by the applicant which were vacant earlier, however on 23.08.2021 the Respondents have filled-up 5 posts and only one post at Ambarnath-2, District Thane is kept vacant.</p> <p>3. In view of this the Respondent shall not fill up the one post at Ambarnath-2, District Thane until further orders. Applicant is directed to join the post transferred post without prejudice.</p> <p>4. At the request of learned P.O. Adjourned to 07.09.2021 for affidavit-in-reply.</p> <p align="right">Sd/-</p> <p align="right">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. 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><u>30.08.2021</u></p> <p><u>O.A 340, 341, 342, 343, 344, 687, 757 & 875/2011</u></p> <p>Shri K.P Shah & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p><u>Later on:</u></p> <p>During hearing, learned counsel Mr Khandekar, for the Respondents produces copies of orders from the office of Respondent no. 1, that temporary and Part time posts continued for a period of six months from time to time.</p> <p>Respondent no. 2, Director of Education is directed to file affidavit in reply on the queries raised by the Tribunal.</p> <p>S.O to 1.9.2021.</p> <p>Sd/-</p> <p>(Medha Gadgil) Member (A)</p> <p>Sd/-</p> <p>(Mridula Bhatkar, J.) Chairperson</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>30.08.2021</u></p> <p style="text-align: center;"><u>O.A 655/2021</u></p> <p>Shri J.M Kumbhar ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Archana B.K, learned P.O for the Respondents.</p> <p>2. The applicant working as Senior Clerk challenges the impugned transfer order dated 9.8.2021 by which applicant is transferred from the office of Foodgrain Distribution Officer, Solapur to the office of Indira Gandhi Scheme, Tahsil office, Pandharpur.</p> <p>3. Learned counsel for the applicant challenges the transfer order on following grounds:-</p> <p>(a) Transfer order is issued in violation of G.R dated 9.4.2018.</p> <p>(b) The approval of the Civil Services Board has not been taken before issuing the transfer order.</p> <p>4. Issue notice made returnable on 1.9.2021.</p> <p>5. 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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <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. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>8. Learned P.O waives service of notice.</p> <p>9. S.O to 1.9.2021.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.648 OF 2021

M.M. ThakurApplicant

Vs.

The State of Maharashtra & Ors.Respondents.

Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant

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

CORAM : JUSTICE MRIDULA BHATKAR, CHAIRPERSON

DATE : 30.08.2021

O R D E R

1. The Applicant, Staff Nurse, Class-III employee challenges the transfer order dated 09.08.2021 thereby transferring her from Civil Hospital, Sindhudurg to Rural Hospital, Malvan on the following grounds :-

(a) The learned Advocate submits that the Respondent, Deputy Director, Health Services, Kolhapur is not the competent authority, by the Commissioner is the competent authority so far as the Notification dated 03.02.2021 is concerned it is issued under Section 7 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as ROT Act, 2005 for brevity)

(b) He submits that now as per Section 7 of ROT Act, 2005 the Commissioner is the competent authority, however, in the present case the Commissioner has not delegated the powers to the Deputy Director, Health Services, Kolhapur.

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(c) He points out Notification dated 04.02.2021 which states that the powers of the Commissioner to transfer the Government servant in Group-C of Health Department are delegated to the Director of Health Services, Pune. This delegation is illegal as the power is delegated by the Under Secretary of the Government which is not contemplated under the proviso of Section 6 of ROT Act, 2005. In continuation he submits that assuming the delegation of the powers is valid, yet the order of transfer is not issued by the Director of Health Services, Pune, but it is issued by the Deputy Director, Health Services, Pune.

2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
3. Issue notice before admission returnable on 16.09.2021.
4. 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 in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may 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. The learned P.O. is directed to talk to Mr. Kiran Wahul, Deputy Secretary, Public Health Department as to how the Government can issue the Government Resolution (G.R.) contrary to Section 4, proviso 2 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as ROT Act, 2005 for brevity) regarding delegation of powers.

8. Meanwhile the order of transfer is stayed.

9. Mr. Bandiwadekar, the learned Advocate submits that the applicant is not yet relieved till yesterday. She is still working as Civil Hospital, Sindhudurg. If this fact is true then she should continue to work and render services as normal till next date.

10. Mr. Wahul is directed to file affidavit-in-reply answering these queries ^{in reply} in ¹⁷ by next date.

11. Adjourned to 16.09.2021.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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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 : 30.08.2021.</p> <p>O.A.No.583 of 2021</p> <p>R.T. KadamApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. R.G. Panchal, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Applicant, Staff Nurse challenges transfer order 09.08.2021 transferring him at Railway Police Hospital, Ghatkopar, Mumbai.</p> <p>3. The Applicant to continue at Railway Police Hospital, Ghatkopar, Mumbai.</p> <p>4. The learned P.O. has not received instructions and hence seeks time to file affidavit-in-reply.</p> <p>5. Time granted. Adjourned to 14.09.2021.</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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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 align="center">Date: 30.08.2021</p> <p align="center">O.A. No.262 of 2021</p> <p>M.R. KasaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadkar, learned Advocate for the Applicant, Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1. It is taken on record. No Reply is filed on behalf of Respondent No.2.</p> <p>3. On request of learned Advocate for the Applicant one week time is granted for filing Affidavit-in-Rejoinder.</p> <p>4. S.O. to 08.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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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 align="center">Date: 30.08.2021</p> <p align="center">O.A. No.455 of 2021</p> <p>M.R. KasaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Smt. Archana B.K., learned Presenting Officer for the Respondents and Shri M.D. Lonkar, learned Advocate for the Respondent No.2. 2. Today, learned P.O. has filed Affidavit-in-Reply on behalf of the Respondent No.1. It is taken on record. 3. Shri M.D. Lonkar, learned Advocate for the Respondent No.2 has filed Affidavit-in-Reply on behalf of Respondent No.2. It is taken on record. 4. On request of learned Advocate for the Applicant one week time is granted for filing Affidavit-in-Rejoinder. 5. S.O. to 08.09.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 30.08.2021</p> <p>O.A. No.560 of 2020</p> <p>M.D. RathodApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> Applicant and his Advocate both are absent. Smt. Archana B.K., learned Presenting Officer for the Respondents is present. The perusal of record reveals that the Applicant and his Advocate both are continuously absent for more than two months, but the matter was adjourned to give them sufficient opportunity. Thus despite enough chances the Applicant and his Advocate are repeatedly absent, they seems not interested in the matter. Hence O.A. is dismissed in default, with no order as to costs. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 30.08.2021</p> <p align="center">O.A. No.545 of 2020</p> <p>B.A. WaghmareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, 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 hearing it is noticed that there is no service on the part of the Respondent No.2. The Office has also made endorsement that Respondent No.2 is not served.</p> <p>3. This matter seems being wrongly fixed for admission hearing without service of notice to the Respondent No.2.</p> <p>4. Learned Advocate for the Applicant is directed to take necessary steps for service of Respondent No.2.</p> <p>5. S.O. to 06.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 30.08.2021</p> <p align="center">O.A. No.189 of 2020</p> <p>S.A. WarangApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This O.A. is kept pending awaiting decision in review filed by the Applicant and pending with the Government.</p> <p>3. Indeed, as per order passed by the Tribunal on 15.06.2021 in O.A. No.190/2020 direction were given to the Respondent to decide the review of the Applicant dated 11.12.2018 filed by the Applicant within three months from date of order. As such period of three months will be expiring on 15.09.2021.</p> <p>4. Learned P.O. submits that till date the review is not decided and it will be decided soon, and the pending of order dated 15.06.2021 passed in O.A. No.190/2020 will be reported on next date.</p> <p>5. In view of above, adjourned to 30.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 30.08.2021</p> <p align="center">O.A. No.40 of 2020</p> <p>D.K. WaghmodeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri N.Y. Chavan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant one week time is granted for hearing at the stage of admission.</p> <p>3. S.O. to 08.09.2021.</p> <p align="right">Sd/- v (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 30.08.2021</p> <p align="center">O.A. No.988 of 2019</p> <p>V.Y. MokashiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.R Joshi, learned Advocate holding for Shri V.V. Joshi, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant, adjourned for hearing.</p> <p>3. S.O. to 17.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 30.08.2021</p> <p align="center">M.A. No.255 of 2021 in O.A. No.202 of 2021</p> <p>A.R. JadhavarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.P. Jadhav, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant seek permission to amend prayer clause of O.A., in view of subsequent development namely reinstatement of the Applicant. By proposed amendment he is seeking reinstatement in Kolhapur, in view of retirement in next year.</p> <p>3. The proposed amendment in prayer clause will not change the nature of O.A. Hence, allowed to amend the O.A. Amendment be carried out today. Learned P.O. is at liberty to file Additional Reply in respect of amendment made today.</p> <p>4. S.O. to 20.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p> <p align="right">[P.T.O.]</p>

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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 align="center">Date: 30.08.2021</p> <p align="center">M.A. No.196 of 2021 in O.A. No.41 of 2021</p> <p>E.B. SayyedApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Advocate for the Applicant, adjourned for hearing.</p> <p>3. S.O. to 06.09.2021.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 30.08.2021</p> <p align="center">M.A. No.90 of 2021 in O.A. No.164 of 2021</p> <p>R.B. PingleApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Shri C.T. Chandratre, learned Advocate for the Applicant is absent 2. Smt. Archana B.K., learned Presenting Officer for the Respondents is present. 3. Adjourned for hearing of M.A. 4. S.O. to 06.09.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 30.08.2021</p> <p align="center">R.A. No.12 of 2017 in O.A. No.808 of 2016</p> <p>J.M. GuravApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. The Applicant is conducting the matter in person but absent. 2. Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents is present. 3. Adjourned for hearing of R.A. 4. S.O. to 08.09.2021. <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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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 align="center"><u>O.A. No.563 of 2021</u></p> <p>Anil V. Pardeshi ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Applicant is personally present in the Court. Ld. Advocate for the applicant has filed a note dated 30.8.2021 and seeks permission to withdraw the above OA as per instruction from the applicant.</p> <p>3. Permission granted. OA is allowed to be withdrawn and disposed off as such.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 30.8.2021</p> <p>(sgj)</p>

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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.582 of 2020</u></p> <p>J.K. Bhatkar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks two weeks time.</p> <p>3. S.O. to 16.9.2021.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 30.8.2021</p> <p>(sgj)</p>

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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.424 of 2020</u></p> <p>Dr. K.B. Batte ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply dated 9.6.2021 on behalf of respondent and the same is taken on record.</p> <p>3. Admit.</p> <p>4. S.O. to 21.9.2021 for final hearing.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 30.8.2021</p> <p>(sg)</p>

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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.582 of 2021</u></p> <p>R.S. Bhasagi ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply dated 30.8.2021 on behalf of respondents no.2 to 4 and the same is taken on record.</p> <p>3. Admit.</p> <p>4. S.O. to 21.9.2021 for hearing at the stage of admission. Liberty to file rejoinder, if any.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 30.8.2021</p> <p>(sgj)</p>

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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.574 of 2021</u></p> <p>S.B. Kale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply dated 30.8.2021 on behalf of respondents no.2 to 4 and the same is taken on record.</p> <p>3. Admit.</p> <p>4. S.O. to 21.9.2021 for hearing at the stage of admission. Liberty to file rejoinder, if any.</p> <p align="right">Sd/- (Medha/Gadgil) Member (A) 30.8.2021</p> <p>(sgj)</p>

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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 align="center"><u>O.A. No.749 of 2019</u></p> <p>V.G. Davari ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate states that the applicant has expired on 21.8.2021 and seeks time to file MA for bringing the legal heirs on record of this OA.</p> <p>3. Time granted. S.O. to 16.9.2021.</p> <p align="right">Sd/- (Medha Gadgil) Member (A) 30.8.2021</p> <p>(sgj)</p>