

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

Tribunal's orders

30.12.2020

O.A 592/2020 (Aurangabad)

Dr S.B Dhage ... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.V Patil, learned advocate for the applicant and Shri Mahajan, learned C.P.O for the Respondents.

2. The applicant, Assistant Director, Health Services, (Malaria), Latur, Dist-Latur, challenges the order dated 18.10.2020 transferring him from Latur to General Hospital, Beed.

3. Learned counsel for the applicant challenges the order on the following grounds:-

- (a) He joined on 27.3.2018 as Civil Surgeon, Latur and he was given the additional charge as Assistant Director, Health Services (Malaria), Latur by order dated 29.9.2020. Then the applicant was relieved by order dated 1.10.2020 from the post of Civil Surgeon and he was given full-fledge charge of the post of Assistant Director, Health Services (Malaria). Thus it is second transfer within a period of three months.
- (b) The case of the applicant was not placed before the Civil Services Board.
- (c) There is no compliance under Sec 4(4) & 4(5) of 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).
- (d) The daughter of the applicant is studying in 10<sup>th</sup> Standard.

4. Learned C.P.O while opposing the application submits that he has yet to receive the proper instructions and prays time of four weeks to file reply. He submits that the post of Civil Surgeon, General Hospital, Beed is vacant and therefore on the ground of administrative exigency the applicant is transferred to the post of Civil Surgeon, General Hospital, Beed. On query learned C.P.O informs that nobody is yet posted in the place of the applicant, at Latur.

5. In view of submissions made by learned counsel on both the sides, case is made out for grant of interim relief. The transfer order dated 18.12.2020, transferring the applicant from Latur to Beed is hereby stayed till filing of the reply by the Respondents. The applicant to continue to work at Latur till then.

7. S.O to 27.1.2021.

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Sd/-

(Mridula Bhatkar, J.)  
Chairperson

30/12/2020

(contn) - Hon' snt Justice  
Mridula Bhatkar (C)  
(Albad)

Dr S.V. Patil for the  
Applicant.

Shri Mahajan C.P.O for the  
Respondents

heard  
order passed in  
Tribunal column  
SO to 27/1/2021

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**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><b><u>30.12.2020</u></b></p> <p align="center"><b><u>O.A Stamp 1479/2020</u></b></p> <p>V.Z Vanjari &amp; Others ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri R.P Bhumkar, learned advocate for the applicants and Shri Mahajan, learned C.P.O for the Respondents.</p> <p>2. The applicants who are retired Government servants pray that the ex-party order dated 27.8.2020, 11.9.2020 and 1.10.2020 regarding recovery from their pension amount are to be quashed and set aside and also pray that the applicants be granted time bound pay scale w.e.f 1.10.1994 as per G.R dated 31.7.2013 within one month and decided their representation dated 2.9.2020 and 21.9.2020.</p> <p>3. Learned counsel for the applicants submits that the applicants are all retired Government servants and no amount from pension can be recovered. All orders dated 27.8.2020, 11.9.2020 and 1.10.2020 of recovery were passed without giving any audience to the applicants and therefore they are to be quashed and set aside. Learned counsel for the applicants further submits that the applicants are also entitled after 12 years for grant of time bound pay scale w.e.f 1.10.1994 as they all have completed 12 years in the year 1994.</p> <p>4. Learned C.P.O while opposing the application had submitted that the Executive Engineer, P.W.D has sent the letters that there would be verification of the scale and after pay fixation, if at all it is found the pay scale should have been less, then in that event the question of recovery will arise. As on today, no amount is recovered from the pension of all the applicants. The prayer made by the applicants is premature. Learned C.P.O further submits that he wants time to file affidavit in reply.</p> <p>5. Perused the application and considered the order dated 27.8.2020, 11.9.2020 and 1.10.2020 where the recovery is sounded by the Government after verification of pay scales of the applicants. There is no specific statement that their pay scale which is fixed is less than their pay scale on which the pension is fixed earlier. Under such circumstances, the applicants have moved on apprehension to the Tribunal. Secondly, the applicants claim time bound pay scale benefits w.e.f 1.10.1994 as per G.R dated 31.7.2013. Ex-facie, it appears beyond limitation. However, the applicants have made representations dated 12.9.2020 and</p>

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	<p>21.9.2020 which are pending before the Respondents no. 1 &amp; 2.</p> <p>6. In view of the present set of facts, the application is disposed of with following order.</p> <p style="text-align: center;"><u>O R E D R</u></p> <p>(i) The Respondents no 1 &amp; 2 are directed to give clear notice of three weeks to each applicant, if the Respondents find it necessary to recover the excess amount from the pension of the applicants.</p> <p>(ii) The Respondents no. 1 &amp; 2 shall decide the representations dated 12.9.2020 and 21.9.2020 on or before 15.2.2021 and communicate the decision to the applicants on or before 28.2.2021.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;"><b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p style="text-align: left;">Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

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**30.12.2020**

**M.A 354/2020 in O.A Stamp 1479/2020 (Aurangabad)**

V.Z Vanjari & Others ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri R.P Bhumkar, learned advocate for the applicant and Shri Mahajan, learned C.P.O for the Respondents.

2. Misc Application to sue jointly is allowed, subject to payment of court fees, if not already filed.

Sd/-

**(Mridula Bhatkar, J.)  
Chairperson**

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