

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NO.994 OF 2017**

**R. F. Dhabre**

**) ....Applicant**

**Versus**

**The State of Maharashtra & Ors.**

**) .....Respondents**

Shri M.R. Patil with Shri S. S. Dere, Advocates for Applicant  
Smt. Kranti Gaikwad, Presenting Officer for Respondents  
Shri K. R. Jagdale, Advocate for Respondent No.3

CORAM : SHRI B. P. PATIL (MEMBER-JUDICIAL)

DATE : 31.10.2017

**ORDER**

1. Heard Shri M.R. Patil with Shri S. S. Dere, learned Advocates for Applicant, Smt. Kranti Gaikwad, Presenting Officer for Respondents and Shri K. R. Jagdale, learned Advocate appearing on oral instruction of Respondent No.3

2. The applicant has challenged the impugned order dated 27.10.2017 by which the respondent no.3 has been appointed on deputation in his place on the post of Director General of Dr. Babasaheb Ambedkar Research and Training Institute, Pune. It is contention of the applicant that he has been deputed and posted as Director General of BARTI, Pune by order dated 21.04.2016 and is still working on the said post. It is contention of the applicant that without cancelling his deputation and issuing posting order, the respondent has issued the order dated 27.10.2017 and deputed and posted another person i.e. respondent no.3 at his place without following the provisions of the Transfer Act. It is his contention that he is still working on the said post and the respondent no.3 has not joined the said post and therefore he prayed to grant interim relief as claimed.

BPM

3. Learned P.O. has submitted on instructions from Shri Vijay Jaykar, Desk Officer, Social Justice and Special Assistance Dept. Mantralaya, Mumbai at the bar that applicant has not been relieved from the present post and the proposal regarding the repatriation of the applicant to his parent department is pending with the Government.

4. Learned advocate for respondent no.3 has submitted that this Tribunal has no jurisdiction to entertain the O.A., as the applicant and respondent no.3 are belonging to Indian Revenue Services and IP Service respectively and, therefore, this Tribunal cannot consider the interim relief sought by the applicant. Therefore, he prayed to reject the interim relief claimed by the applicant.

5. On going through the provision of Section 15 of Administrative Tribunals Act, 1985, prima-facie it reveals that the Tribunal can entertain the present O.A.. The case of the applicant as well as respondent no.3 is squarely covered in view of the provision of Section 15(1)(b) of the Administrative Tribunals Act, 1985. Therefore, in my opinion, this Tribunal can entertain the present O.A. and decide the interim relief. On going through the documents on record, it reveals that the applicant has been deputed and posted as Director General at BARTI, Pune by order dated 21.04.2016. The said order specifically provides that he can be repatriated to his parental department after giving three months intimation to him.

6. On perusal of the record and on the basis of the submissions advanced by learned P.O., it is crystal clear that there is no order of repatriation of the applicant to his parental department. He has not been transferred and posted on another post. He is still working on the present post as Director General of BARTI. The Respondent no.3 has not yet joined his new posting at BARTI. In these circumstances, in my opinion, it is just to direct the respondent nos.1 & 2 to maintain status quo so far as the posting of the applicant as on today till filing of the reply by the

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respondents. Therefore, I direct the departments to maintain status quo as on today so far as the present posting of the applicant.

7. Issue notice before admission returnable on 16.11.2017.

8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

9. Applicants are 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.

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.

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. Applicants are directed to file Affidavit of compliance and notice.

12. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record

13. S.O. to 16.11.2017.



(B.P. PATIL)  
Member (J)  
31.10.2017

(vsm)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

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
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M.A.No.381/2017 in O.A.No.668/2017

Mr. S.R. Quazi ... Applicant  
 Vs.  
 The State of Mah. & ors. ... Respondents

1. Heard Mr. K.R. Jagdale, the learned Advocate for the Applicant, Mr. S. Suryawanshi, the Presenting Officer for the Respondent No.1 and Smt. Punam Mahajan, the learned Advocate for Respondent No.2.
2. Learned Advocate for the Applicant has submitted that the Respondents had offered the inspection of the documents to the present Applicant in view of the order passed by this Tribunal on 28.9.2017 and accordingly the Applicant had taken inspection of the documents. He has further submitted that the Respondents have not supplied the copies of the documents as claimed by the Applicant in the prayer clause (b) of the MA.
3. Learned P.O. has submitted that the Applicant had taken inspection of the documents in view of the order passed this Tribunal on 28.9.2017 and, therefore, the Respondents had complied with the order and nothing remained to be complied.
4. At the request of the learned Advocate for the Applicant, S.O. to 16<sup>th</sup> November, 2017.

Sd/-

(B.P. Patil)  
Member-J  
31.10.2017

DATE: 31/10/17

CORAM:

~~Hon'ble Shri. RAHVAGARWAL~~  
(Vice-Chairman)

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

APPEARANCE:

Shri/Smt. K.R. Jagdale

Advocate for the Applicant

Shri/Smt. Ms. S. Suryawanshi

G.P.O./P.O. for the Respondents

Punam Mahajan Doc R 1002

Adj. To S.O. to 16/11/17

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# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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

IN

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
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R.A.No.26/2016 in O.A.No.503/2016

Mr. A.T. Gokule ... Applicant  
 Vs.  
 The State of Mah. & ors. ... Respondents

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

2. Learned Advocate for the Applicant has filed a communication dated 20.10.2017 received from the Applicant stating that he is not interested in prosecuting the matter further and he requests to withdraw the O.A.

3. Learned Advocate for the Applicant has submitted that <sup>as</sup> the Applicant does not want to proceed with the OA and intends to withdraw it, <sup>and therefore</sup> he prayed to dispose of it accordingly.

4. Learned P.O. has prayed to pass necessary orders.

5. The Applicant intends to withdraw the OA unconditionally. Hence, the OA is disposed of as withdrawn.

Sd/- D

(B.P. Patil)

Member-J

31.10.2017

skw

DATE: 31/10/17

CORAM:

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

~~Hon'ble Smt. K. B. MALIK (Member)~~  
B.P. Patil

APPEARANCE:

Smt/Smt.: Punam Mahajan

Advocate for the Applicant

Smt/Smt.: K.S. Gaikwad

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

Adj. To: O.A. is disposed of.