

O.A. No. 790/2009

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

None for the applicant. Shri S. Khadatkar, learned P.O. for the respondents.

S.O.

Member (J)

skt

O.A. No. 877/2009

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

None for the applicant. Shri S. A. Sanis, learned P.O. for the respondents. He files reply of R/2 and 3. The same is taken on record. He undertakes to supply the copy of the same to the Id. Counsel for the applicant.

S.O.

Member (J)

skt

O.A. No. 849/2009

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

None for the applicant. Shri S. A. Sanis, Khadatkar, learned P.O. for the respondents.

S.O.

Member (J)

skt

O.A. No. 881/2009

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

None for the applicant.
Shri S. A. Sanis, learned P.O. for the
respondents.

S.O.

Member (J)

skt

O.A. No. 377/2016

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

Shri P.R. Agrawal, Id. Counsel for the applicant. Shri A.M. Ghogare, learned P.O. for the respondents.

Put up with O.A. Nos.718 and 141/2015

Member (J)

skt

O.A. No. 373/2016

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

Shri Bharat Kulkarni, Id. Counsel for the applicant. He files rejoinder. The same is taken on record and a copy thereof is given to the other side. Shri S.N. Dongre, Adv. holding for Shri R.V. Shiralkar, Id. Counsel for R/3. Shri A.P. Potnis, learned P.O. for the respondents 1 and 2.

Put up before D.B.

Member (J)

skt

O.A. No. 415/2015

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

None for the applicant.
Shri A.p. Potnis, learned P.O. for the
respondents.

S.O. 3 weeks.

Member (J)

skt

O.A. No. 602/2016

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

Heard Shri M.P. Kariya, Id. Counsel for the applicant.

Issue Notice before admission to R/2 to 4, returnable after the respondents are served.

Smt. S.V. Kolhe, Id. P.O. waives notice for R/1.

Hamdast granted.

On submission of the Id. Counsel for the applicant the point of interim relief is kept open as it is necessary to hear the other side.

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

Applicant is authorized and directed to serve on the Respondent intimation/ notice of date of hearing

duly authenticated by Registry, along with complete paper book of O.A.

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.

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 three weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. after service.

Member (J)

skt

O.A. No. 449/2005

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

M.C.A. Nos. 58 and 59/2016

At the request of Id. Counsel holding for Shri P.S. Kshirsagar, Id. Counsel for the applicant, **S.O. 4 weeks.** Shri S. Khadatkar, learned P.O. for the respondents.

S.O. 4 weeks.

Member (J)

skt

O.A. St. No. 632/2016

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.415/2016 and 175/2016

C.A. No.416/2016

Shri S.R. Khobragade, Id. Counsel for the applicant. Shri S. Deo, learned C. P.O. for the respondents.

The Id. Counsel for the applicant wants to replace the R/2. Hence C.A. is allowed. The amendment be carried out forthwith.

C.A. No.175/2016

Considering the relief claimed by the applicant which pertains to marks , the C.A. is allowed. It is made clear that no point other than the common interest will be allowed to be agitated.

Issue notices to R/2 to 6.

Ld. C.P.O. waives notice for R/1.

Hamdast granted.

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

Applicant is authorized and directed to serve on the Respondent intimation/ notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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.

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 three weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. Put up after service.

**Cont. St. No. 1190/2016 in O.A. No.
358/2015**

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.295/2016

Shri D. Patil, Id. Counsel for the applicant, Smt. S.V. Kolhe, Id. P.O. for R/1 to 3 and Shri Kalwaghe, Id. Counsel for R/5. None for R/4.

C.A. for amendment is allowed. The applicant to carry out the amendment .

At the request of Id. Counsel for R/5, **S.O.2 weeks to file reply.**

Member (J)

skt

O.A. No. 556/1995

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. Nos.43,52,53 and 428/2016

None for the applicant.
Shri A.M. Ghogare, Id. P.O. for R/1 to
3. None for R/4.

It is ordered that the matter be
placed before the D.B. However it is
again listed on the board.

Put up before D.B.

Member (J)

skt

O.A. No. 572/2014

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.429/2016

Shri A.K. Madane, Id. Counsel
for the applicant. Shri A.P. Potnis, Id.
P.O. for the respondents.

At the request of Id. P.O. **S.O. 2**
weeks to file reply.

Member (J)

skt

O.A. No. 718/2015

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.431/2016

Shri P.S. Bhange, Id. Counsel for the applicant, Shri A.M. Ghogare, Id. P.O. for R/1 to 4. Shri A.P. Sadavarte, and Shri P.R. Agrawal, Id. Counsel for the intervenors.

The proposed applicants are tge Talathis. The matter pertains to seniority amongst the Talathis. The other Talathis are also allowed to intervene vide C.A. No. 345/2016. To have compete and effective adjudication, the C.A. is allowed. The intervenors be added as the respondents. The Id. Counsel for the applicant to carry out the amendments within 2 weeks. He undertakes to carry out the amendment.

S.O.

Member (J)

skt

O.A. No. 141/2015

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.430/2016

None for the applicant, Smt. M.A. Barabde, Id. P.O. for R/1 to 3 and Shri P.R. Agrawal, Id. Counsel for R/4 to 6. Shri A.P. Sadavarte, Id. Counsel for the intervenor.

The C.A. is allowed. The Id. Counsel for the applicant undertakes to carry out the amendment.

S.O.

Put up with O.A. No. 718/15 and 377/16

Member (J)

skt

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.527/2015

None for the applicant.
Shri A.M. Ghogare, Id. P.O. for the
respondents.

No steps are taken to remove the
office objections. Considering the
nature of objections, time is granted to
remove the same.

Issue Notice to R/2 to 5.

Ld. P.O. waives notice for R/1.

Hamdat granted.

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

Applicant is authorized and
directed to serve on the Respondent
intimation/ notice of date of hearing
duly authenticated by Registry, along
with complete paper book of O.A.

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.

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 three weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. Put up after service.

Member (J)

skt

Cont. St. 1116/16 in O.A. No.
321/2009

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.282/2016

None for the applicant.
Smt. S.V. Kolhe, Id. P.O. for the
respondents.

Ld. P.O. files the communication
that the Department wants to prefer
the W.P. against the impugned order
and the proposal is also approved by
the L & J.D.

S.O. 6 weeks.

Member (J)

skt

Cont. St. 1477/16 in O.A. No.
639/2009

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.371/2016

Shri V.V. Tekade, Id. Counsel for
the applicant. Smt. M.A. Barabde, Id.
P.O. for the respondents.

At the request of Id. P.O. **S.O.**
4 weeks as the respondents want to
file the W.P.

Member (J)

skt

Cont. St. no. 1057/16 in O.A. No.
61/2010

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.270/2016

Shri Bharat Kulkarni, Id. Counsel
for the applicant. Shri P.N. Warjurkar,
Id. P.O. for the respondents.

Ld. Counsel for the applicant
submits that the order is under
challenged before the Hon'ble High
Court.

S.O. 6 weeks.

Member (J)

skt

**Cont. St. 513/16 in O.A. No.
808/2014**

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.131/2016

None for the applicant.
Smt. S.V. Kolhe, Id. P.O. for the
respondents.

On the earlier two dates also
none appeared for the applicant.
Today also none appeared on behalf
of the applicant.

Ld. P.O. has filed the reply and
mentioned that the applicant is at Sr.
No. 4 in the wait list. First two
candidates in the wait list (Page-12)
are given appointment. She submits
that now the recruitment process is
also completed.

The order dtd. 30/11/2015
directs to consider the candidature of
those who are in wait list if they are
otherwise eligible. Candidate at Sr.
No.3 in the wait list is also not

appointed. The applicant stands at Sr. No. 4 in the wait list. As such no case is made out to proceed with. Hence the C.A. is disposed of.

Member (J)

skt

Cont. St. 1595/15 in O.A. No.
305/2013

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.391/2015

Shri S.N. Dongre, Adv. holding
for Shri R.V. Shiralkar, Id. Counsel for
the applicant. Shri A.M. Ghogare, Id.
P.O. for the respondents.

At the request of Id. P.O. **S.O.**
3 weeks to comply with the order. .

Member (J)

skt

**Cont. St. 2165/15 in O.A. No.
382/2014**

Coram : S.S. Hingne, M (J).

Dated : 8th Sept., 2016.

C.A. No.493/2015

Heard Shri A.P. Tathod, Id. Counsel for the applicant and Shri A.M. Ghogare, Id. P.O. for the respondents.

Ld. P.O. files the order in the W.P. No.1095/2016 and submits that the impugned order is modified by the Hon'ble High Court. The Id. Counsel for the applicant submits that now nothing survives in the C.A. Accordingly the C.A. stands disposed of.

Member (J)

skt

O.A.No. 490/2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Shri S.N. Gaikwad, learned counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respondents 1 and 2. None for R/3.

At the request of Id. P.O., **S.O. 3 weeks to file reply.**

Member (J)

skt

O.A.No. 776 and 777/2015

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Shri S.N. Gaikwad, learned counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the Respondents.

At the request of Id. P.O., **S.O. 4 weeks to file reply.**

Member (J)

skt

O.A.No. 294 /2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

M.C.A.No.44/2016:-

None for the applicant.

Shri P.N.Warjurkar, Id. P.O. for
the Respondents.

At the request of Id. P.O., **S.O. 3
weeks by way of last chance to file
reply. S.O. for disposal.**

Member (J)

aps

O.A.St.No. 1462 /2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

C.A.No.386/2016:-

Mr. N.R.Saboo, Id. counsel for the applicant and Mr. Deo, Id. C.P.O. for the Respondents.

At the request of Id. counsel for the applicant allowed to correct the designation of Respondent no. 1. Since the common relief is claim by the applicants for applying the G.R. for time bound promotion. The C.A. is allowed. It is clear that the no point other than of common interest will be allowed to be agitated.

O.A.No.St.1462/2016:-

S.O. 3 weeks for filing reply.

Member (J)

aps

O.A.No. 656 /2015

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

None for the applicant.

Smt. S.V.Kolhe, Id. P.O. for the Respondents no. 1 to 3 & 5. None for R-4.

The Id. counsel for the applicant appeared occasionally, interim relief is operating in this matter. It is made clear that if none appear in the next date, order of interim relief is vacated.

S.O. 3 weeks.

Member (J)

aps

O.A.No. 457 /2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Shri Bharat Kulkarni, Id. counsel for the applicant and Smt. Kolhe, Id. P.O. for the respondents no. 1 & 2. None for R-3.

The Id. P.O. files the reply on behalf of Respondents no. 1 and 2. It is taken on record, copy is served to the counsel for the applicant.

The interim relief is continue.

S.O. 3 weeks.

Member (J)

aps

O.A.No. 385 /2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

None for the applicant.

Mr.P.N.Warjurkar, Id. P.O. for the respondents.

Matter is P.H., Interim order is operating, it is made clear that if none appeared on the next date, the interim order will be vacated.

P.H.

Hence it will be disposed of,
S.O. 3 weeks.

Member (J)

aps

O.A.No. 505 & 506 /2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Mr. S.D.Khati, Id. counsel for the applicant and Mr.S.A.Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 3 weeks to file the reply.**

Member (J)

aps

O.A.No.857 /2014

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

M.C.A. No. 55/2016:-

Mr. A.M.Goghre, Id. P.O. for the applicant (Org. Respnt.) and Adv. Pathak (Org. Applicant) is on leave.

The Id. P.O. submits that the copy of the application is served to the Id. counsel for the respondents. However, there is no endorsement to this effect. At the Id. P.O., **S.O. 3 weeks** for service.

Member (J)

O.A.No.02 /2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

M.C.A.No. 56/2016:-

Adv.R.M.Pande, Id. counsel for the applicant and Mr. A.M.Goghre, Id. P.O. for the respondents.

The Id. counsel for the applicant submits that the applicant could not attend the court because he has undergone from surgery. Therefore M.C.A. is allowed.

O.A.No.02/2016:-

The O.A. is restore wide order dated 08/09/2016. **Put up with the O.A.No. 01/2016. S.O. 3 weeks.**

Member (J)

O.A.No.549 /2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

C.A.No. 394/2016:-

Mr. N.D.Thombre, Id. counsel for the applicant and Mr. Deo, Id. C.P.O. for the respndts.

At the request of Id. counsel for the applicant, **S.O. 3 weeks.**

Member (J)

aps

O.A.No.743 /2015

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

None for the applicant and Mr. V.A.Kulkarni, Id. P.O. for the respndts.

At the request of Id. P.O., **S.O. 4 weeks.**

Member (J)

aps

O.A.No.744 /2015

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

None for the applicant and Mr. S.A.Sainis, Id. P.O. for the respndts. no. - 1, 2 & 4. None for R-3.

At the request of Id. P.O., **S.O. 3 weeks**, to file the reply by way of last chance.

Member (J)

aps

O.A.No.578 /2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Heard, Mr. N.D.Thombre, Id. counsel for the applicant and Mr.A.M.Goghre, Id. P.O. for the respndts.

The applicant retired on 31/05/2016 as a Pharmacist as a class-III employee. Now by impugned order dated 11/08/2016, the recovery of Rs.4,09,361/- is ordered due to excess payment in the pay. In view of the observations made by the Apex Court in State of Punjab V/s Rafiq Masih, dated 08/12/2014. The recovery is stayed. At the request of Id. P.O., **S.O. 6 weeks** to file the reply.

Member (J)

aps

O.A.No.212 /2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Mr. S.Dongre Id. counsel for the applicant holding for Mr, R.V.Shiralkar,

and Mrs. Kolhe, Id. P.O. for the respndts.

The Id. counsel for the applicant has instruction from the applicant and from Mr. Shiralkar to withdraw the O.A., hence the O.A. is disposed of as withdrawn.

Member (J)

aps

O.A.No.348/2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Mr. A.P.Tathod holding for Mr. A.D.Girdekar, Id. counsel for the applicant and Mrs. Barabde, Id. P.O.

for the R - 1 to 3 & Mr.S.S.Dhengale,
for R-4 (Caveator).

Admit.

The Id. P.O. waives notice for R-
1 to 3 & Mr.S.S.Dhengale, waives
notice for R-4. **S.O. 23/09/2016.**

Member (J)

aps

O.A.No.398/2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Mr. N.D.Thombre, Id. counsel for
the applicant and Mrs. Barabde, Id.
P.O. for the R - 1 to 3, 6 & 7. None for
R-4. Mr. S.S.Dhengale, Id. counsel for
R-5.

Admit.

The Id. P.O. waives notice for R-1 to 3, 6 & 7 & Mr.S.S.Dhengale, waives notice for R-5. **S.O. 23/09/2016.**

Member (J)

aps

O.A.No.790/2015

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

None for the applicant. Mr. A.M.Kadatkar, Id. P.O. for the Respondents.

At the request of Id. P.O., **S.O. 3 weeks** by way of last chance.

Member (J)

aps

O.A.No.821/2015

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

None for the applicant. Mr. A.P.Potnis, Id. P.O. for the Respondents.

The Id. P.O. files the reply for R-3, District Superintending Agriculture Officer. It is taken on record, he undertakes to serve the copy to the other side.

Admit.

The Id. P.O. waives notice for Respondent no. 1 to 3. **S.O. 8 weeks.**

Member (J)

aps

O.A.No.830/2015

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Mr. R.L.Alone, Id. counsel for the applicant and Mrs. Kolhe, Id. P.O. for the Respondents.

At the request of Id. P.O., **S.O. 4 weeks** for disposal.

Member (J)

aps

O.A.No.190/2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Heard Mr. G.K.Bhusari, Id.
counsel for the applicant and Mrs.
Kolhe, Id. P.O. for the Respondents.

Closed for order.

Member (J)

aps

O.A.No.213/2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Mr. S.P.Palshikar, Id. counsel for the applicant and Mr. A.P.Potnis, Id. P.O. for the Respondents.

The Id. P.O. files the reply for R-1 & 2. It is taken on record, copy is served to the Id. counsel for the applicant. He wants to go through it.

S.O. 3 weeks.

Member (J)

aps

O.A.No.418/2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

None for the applicant. Mr. A.M.Kadatkar, Id. P.O. for the Respondents.

The Id. P.O. file the reply for R – 2, Executive Engineer, P.W.D. Yavatmal. It is taken on record, he undertakes to serve the copy to the other side.

Admit.

The Id. P.O. waives notices for R-1 to 3.

S.O. 4 weeks.

Member (J)

aps

O.A.No.425/2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

None for the applicant. Mr. P.N.Warjurkar, Id. P.O. for the Respondents.

At the request of Id. P.O., **S.O. 4 weeks for reply.**

Member (J)

aps

O.A.No.470/2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Mr. J.M.Shamkuwar, Id. counsel
for the applicant, Mrs. Barabde, Id.
P.O. for the R-1 & 2. None for R-3.

At the request of Id. P.O., **S.O.**
22.09.2016.

Member (J)

aps

O.A.No.589/2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Mr. A.B.Mirza, Id. counsel for the
applicant, Mr. P.N.Warjurkar, Id. P.O.
for the R-1 & 2. None for R-3.

The Id. P.O. files the copy of G.R. dated 07/09/2016, it is taken on record, by which the transfer of the applicant is cancelled. Thus the grievance of the applicant is redressed. Hence, O.A. becomes infructuous. Hence it is disposed of.

Member (J)

aps

O.A.No.126/2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

None for applicant.

Mr. P.N.Warjurkar, Id. P.O. for the R-1 & 2. None for R-3.

At the earlier dates also none appeared for the applicant. With a view

to give one more opportunity, **S.O. 4 weeks for dismissal.**

Member (J)

aps

O.A.No.391/2016

Coram : S.S. Hingne, M (J).

Dated : 8th September 2016.

Mr. S.Borkar, Id. counsel for the applicant and Mr. A.P.Potnis, Id. P.O. for the respondents.

The Id. P.O. submits that suspension is revoked by order dated 29/06/2016. The Id. counsel for the

applicant submits the same and hence,
the **O.A. is disposed of.**

Member (J)

aps

O.A. No. 595 of 2016

Coram :- Hon'ble Shri S.S. Hingne,
Member (J).

Dated :- 08/09/2016.

ORDER

1. Heard Shri S.P.Palshikar,
Id. Counsel for the applicant, Shri A.M.
Ghogre, Id. P.O. for the State and Shri
A.P. Tathod, Id. Counsel for proposed
Interveners.

2. Issue notice to R-2
returnable in **two weeks**. Learned
P.O. waives notice for R-1.

3. Tribunal may take the case
for final disposal at this stage and

separate notice for final disposal shall 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. Respondent is 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. The applicant Assistant Commissioner, Social Welfare by this O.A. has challenged the transfer order dated 10-8-2016 (A-1, P-17) from Yavatmal to Akola and also the order dated 11-8-2016 (A-3,P-22) by which he is relieved from the post.

8. Earlier the applicant had filed the O.A. No. 545/2016 on 12-8-2016 challenging this transfer order. Notices were issued and the matter was listed on 25-8-2016 and was adjourned for two weeks.

9. However on mention by the learned counsel for the applicant the matter was preponed and taken up on 31-8-2016. On the very day the O.A. was withdrawn with a liberty to file fresh O.A. Here the first round of litigation ends.

10. The second round of litigation starts with the filing of the present O.A. on 2-9-2016. The interim relief was sought however it was observed that in view of the several aspects and facts it was desirable to give opportunity to the learned P.O. to produce some record. Today, heard Shri S.P.Palshikar, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents. Some record is made available. The applicant claims ad-interim relief to stay the transfer order dated 10-8-2016. However that order is already implemented since undisputedly the applicant is relieved on 11-8-2016 (A-3,P-22). As such no fruitful purpose can be served by staying that order.

11. The applicant also claims the ad-interim relief to stay the effect

and implementation of relieving order dated 11-8-2016 by which admittedly the applicant is relieved from Yavatmal from the post. The learned P.O. strongly opposed on the ground that it tantamounts to decide the O.A. finally and not only that but to grant relief on the nature of mandamus or mandatory injunction to restore earlier position and such relief cannot be granted unless due opportunity is given to the other sides.

12. The learned counsel for the applicant submits that from the record made available it appears that no proposal was sent by the department for transfer of the applicant and there was no approval by the Civil Services Board but Hon'ble Chief Minister has granted the approval for this transfer. The applicant was working on the post from 10-6-2014 (A-2,P-20). He was

not due for transfer and the impugned order is mid-term and mid tenure.

13. The learned P.O. submits that the proposal was sent. In the first proposal of 10 officers, the name of the applicant does not find place. However in the second list of 10 officers the applicant's name is there. The learned counsel for the applicant submits that this list is not a proposal. As against this according to the learned P.O. this is the proposal.

14. It is mentioned in Para no.4 that the proposal in respect of applicant was not placed before the Civil Services Board. However, the learned P.O. submits that there were complaints against the applicant for demanding lakhs of rupees to release the arrears of the Lecturers. The inquiry was held and there in it is observed that there is a substance in

the complaint. This inquiry is done somewhere in April,2016. Thereafter the proposals for transfer of Assistant Commissioner of Social Welfare were made. There were two lists of the proposals in each list there are 10 officers and the names in the lists are different officers. The learned P.O. submits that therefore the applicant's case being transferred on complaint was dealt with separately however the entire file is not available. The learned P.O. submits that there was a proposal because the complaints were made earlier and inquiry was completed in April,2016 and thereafter the proposal for transfer was made it must have been placed before the Civil Services Board however due to the haste the entire file is not available and present file is sent by e-mail.

15. It is also submitted by the learned counsel for the applicant that the relieving order dated 11-8-2016 is not legal and valid because that order is not passed in compliance of the provisions of rule 29 of The Maharashtra Civil Services (General Conditions of Services) Rules, 1981. The learned counsel for the applicant submits that the charge is handed over to the sub ordinate officer which is not proper. However, such administrative niceties cannot looked into at this stage or at least other side be heard.

16. The learned counsel for the applicant submits that in view of the observations made in O.A.200/2016 by this Tribunal in **Ravindra Vs. State** that it is mandatory that all transfers are approved by the Civil Services Board. However, unless aspect is clarified it cannot be said there was no

proposal. Moreover, according to the learned P.O. separate file must have been mentioned considering the nature of two different sets of transfer. Anyway everything will be cleared if some opportunity is given to the respondents.

17. In the above state of affairs to have a effectively and promptly adjudication of the matter, it is necessary to give opportunity to avoid the complication. This aspect cannot be decided one sided unless the due opportunity is given to the respondents. Moreover what is the effect of a technical flaw if any in the relieving and joining is also to be independently considered. The applicant is already relieved on 11-8-2016 about one month back. As observed earlier the matter cannot be decided effectively and properly unless the other side

heard is due opportunity placing the material on record is given. However the learned counsel for the applicant submits that the order may be passed today.

18. Under the above circumstances, it cannot be said at this stage prima facie case is made to ignore the relieving order and to stay it which is already implemented month back. Everything can be decided in a full dressed trial or at least opportunity of short period is given to other side. The matter can be expedited with a direction to the learned P.O. to file the reply on the next date positively and make the original record available. No prejudice can be caused to applicant thereby.

19. **S.O. two weeks.**

20. Steno copy be given to the parties.

(S.S.Hingne)

Member (J).

dnk.