

O.A. No. 151/2016

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

Dated : 9th November, 2016.

None for the applicant. Shri S. Deo, Id. C.P.O. for the respondents. He files reply of R/3, i.e. the Collector, Gadchiroli. The same is taken on record. He undertakes to supply the copy thereof to the Id. counsel for the applicant.

Admit.

Ld. C.P.O. waives notice for the respondents.

S.O.

Member (J)

Skt.

O.A. St. No. 1997/2015

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

Dated : 9th November, 2016.

C.A. No.494/15

None for the applicant.
Shri S. Deo, Id. C.P.O. for the
respondents. He files reply on b
service to R/3.

The applicants' grievance
pertains to seniority. Thus, the
applicants have common cause.
Hence C.A. is allowed.

O.A.

Issue fresh notice to R/2 and
3, returnable after service.

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

Hamdast granted for R/2 and 3.

S.O. Put up after service.

Member (J)

S.B.

O.A. No. 189 /2015

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

Dated : 9th November, 2016.

Shri N.R. Saboo, Id. counsel
for the applicant. Smt. Barabde, Id.
P.O. for the respondents.

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

Member (J)

Skt.

O.A. No. 126/2015

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

Dated : 9th November, 2016.

Shri N.R. Saboo, Id. counsel
for the applicant. Smt. Barabde, Id.
P.O. for the respondents.

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

Member (J)

Skt.

O.A. No. 172/2010

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

Dated : 9th November, 2016.

Shri N.R. Saboo, Id. counsel
for the applicant. Smt. Barabde, Id.
P.O. for the respondents.

Ld. P.O. wants to take
instructions.

S.O.2 weeks

Member (J)

Skt.

O.A. 610/2013

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

Dated : 9th November, 2016.

Shri B.K. Kulkarni, Id. counsel
for the applicant. Smt. Barabde, Id.
P.O. for the respondents.

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

Member (J)

Skt.

O.A. No. 366 /2015

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

Dated : 9th November, 2016.

Heard Shri S.R. Charpe, Id. counsel for the applicant. Smt. Barabde, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 1 week.**

Member (J)

Skt.

O.A. No. 158/2016

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

Dated : 9th November, 2016.

None for the applicants. Shri P.N. Warjurkar, 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. 264/2016

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

Dated : 9th November, 2016.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant. Shri A.M. Ghogare, Id. P.O. for the respondents. He files reply of R/2, i.e. Superintendent of Police, Buldhana. The same is taken on record and a copy thereof is given to the Id. counsel for the applicant. Ld. counsel for the applicant wants to go through it.

Admit.

Ld P.O. waives notice for the respondents.

S.O. 3 weeks.

Member (J)

O.A. No. 425/2016

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

Dated : 9th November, 2016.

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

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

Member (J)

Skt.

O.A. No.625/2016

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

Dated : 9th November, 2016.

Shri Bharat Kulkarni, Id.
counsel for the applicant. Shri A.
Khadatkar, Id. P.O. for the
respondents.

S.O. 1 month so that the O.A,
can be disposed of.

Member (J)

Skt.

O.A. No.581 to 584 and 586 /2016

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

Dated : 9th November, 2016.

There is a leave note of the Id. counsel for the applicant. Shri A. Khadatkar, 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. Nos/ 134 and 135/2010

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

Dated : 9th November, 2016.

Shri N.R. Saboo, Id. counsel for the applicant. Shri S. Sanis, Id. P.O. for the respondents.

Dispute is limited to the question of recovery. Id. P.O. submits that the applicant has given the undertaking and therefore, he wants to clarify that aspect.

S.O. 2 weeks.

Member (J)

Skt.

O.A. No. 543/2015

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

Dated : 9th November, 2016.

Shri S.M. Khan, Id. counsel
for the applicant. Smt. Barabde, Id.
P.O. for the respondents.

The record is called vide
order dtd. 12/4/2016. Yet it is not
made available. Hence by way of
last chance, **S.O. 3 weeks.**

Member (J)

Skt.

O.A. No. 378 to 381/2016

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

Dated : 9th November, 2016.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

Ld. P.O. files reply of R/3 i.e., Regional Dairy Development Officer. The same is taken on record and a copy thereof is given to the Id. counsel for the applicant.

Admit.

Ld. P.O. waives notice for the respondents.

Member (J)

Skt.

O.A. No. 167/2015

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

Dated : 9th November, 2016.

None for the applicant.
Smt. Barabde, Id. P.O. for the
respondents.

S.O. 2 weeks.

Member (J)

Skt.

O.A. No. 140/2015

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

Dated : 9th November, 2016.

There is a leave note of the Id. counsel for the applicant. Smt. Barabde, Id. P.O. for the respondents.

S.O. 3 weeks.

Member (J)

Skt.

O.A. No. 118/2015

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

Dated : 9th November, 2016.

There is a leave note of the Id. counsel for the applicant. Smt. Barabde, Id. P.O. for the respondents.

S.O. 2 weeks for disposal.

Member (J)

Skt.

O.A. No. 109/2015

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

Dated : 9th November, 2016.

None for the applicant.
Smt. Barabde, Id. P.O. for the
respondents 1 and 2 . None for R/3
& 4.

S.O. 3 weeks.

Member (J)

Skt.

O.A. No. 71/2015

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

Dated : 9th November, 2016.

None for the applicant.
Smt. Barabde, Id. P.O. for the
respondents 1 to 3. None for R/4.

S.O. 3 weeks.

Member (J)

Skt.

O.A. No. 724/2011

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

Dated : 9th November, 2016.

There is a leave note of the Id. counsel for the applicant. Shri A. Khadatkar, Id. P.O. for the respondents.

S.O. 3 weeks.

Member (J)

Skt.

O.A. No. 677/2014

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

Dated : 9th November, 2016.

There is a leave note of the Id. counsel for the applicant. Shri A. Khadatkar, Id. P.O. for the respondents.

S.O. 3 weeks.

Member (J)

Skt.

O.A. No. 732 /1996

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

Dated : 9th November, 2016.

M.C.A. Nos. 36 and 37 in C.A. Nos. 348, 505 and 506 of 2016

None for the applicant.
Shri H.K. Pande, Id. P.O. for R/1 and
2. None for R/7 and other
respondents. Ld. P.O. files reply of
R/2 to the C.A. The same is taken
on record. He undertakes to supply
the copy of the same to the Id.
Counsel for the applicant.

S.O. 1 week.

Member (J)

Skt.

O.A. No. 252/2016

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

Dated : 9th November, 2016.

None for the applicant.
Smt. S.V. Kolhe, Id. P.O. for the
respondents. She submits that
reply of R/3 is already filed on record
and it will serve the purpose.

S.O. Put up before D.B.

Member (J)

Skt.

O.A. No. 605 and 636 /2005

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

Dated : 9th November, 2016.

None for the applicant.
Smt. S.V. Kolhe, Id. P.O. for the
respondents. She files reply of
MPSC. The same is taken on
record.

S.O. Put up before D.B.

Member (J)

Skt.

O.A. No. 843/2015

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

Dated : 9th November, 2016.

None for the applicant.
Shri H.K. Pande, Id. P.O. for the
respondents. He files reply of R/2
to 4. The same is taken on record.
He undertakes to serve the copy

thereof to the Id. Counsel for the applicant.

S.O. Put up before D.B.

Member (J)

Skt.

O.A. No. 537/2016

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

Dated : 9th November, 2016.

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents. He files reply of R/4. The same is taken on record. He undertakes to supply the copy thereof to the Id. Counsel for the applicant. He submits that he wants to file reply of R/1.

S.O. Put up before D.B.

Put up with O.A. Nos. 537,546 and 547/2016.

Member (J)

Skt.

O.A. No. 158/2005

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

Dated : 9th November, 2016.

C.A. No.503/2016

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

The applicant seeks amendment in the prayer clauses to delete some clauses and seeks amendment to add. The proposed amendment is based on the order dtd. 14/9/2016 whereby the original order is withdrawn by the Govt. As such to have a complete adjudication of the matter , the C.A. is allowed.

In the light of the amendment in the prayer clauses place the matter before S.B.

S.O. 2 weeks.

Member (J)

Skt.

O.A. No. 251/2010

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

Dated : 9th November, 2016.

None for the applicant.
Shri H.K. Pande, Id. P.O. for the
respondents.

S.O.

Member (J)

Skt.

O.A. No. 239 with C.A.156/2010

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

Dated : 9th November, 2016.

None for the applicant.
Shri P.N. Warjurkar, Id. P.O. for
the respondents.

**S.O. Put up before D.B. when
available.**

Member (J)

Skt.

O.A. No. 251/2010

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

Dated : 9th November, 2016.

None for the applicant.
Shri H.K. Pande, Id. P.O. for the
respondents.

S.O.

Member (J)

Skt.

O.A. No. 699/2016

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

Dated : 9th November, 2016.

Shri N.R. Saboo, Id. Counsel
for the applicant. Shri S. Deo,
Id. C.P.O. for the respondents.

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

Member (J)

Skt.

O.A. No. 288/2016

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

Dated : 9th November, 2016.

Shri S.R. Charpe, Adv. holding
Shri Vishal Anand, Id. Counsel for

the applicant. Shri V.K. 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. 137/2016

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

Dated : 9th November, 2016.

Shri S.K. Tambde, Adv. Id.
Counsel for the applicant.
Shri A.P. Potnis, Id. P.O. for the
respondents. He submits that the
reply is ready but yet to be sworn.

S.O. 1 week to file reply.

Member (J)

Skt.

O.A. No. 616/2015

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

Dated : 9th November, 2016.

None for the applicant.
Shri A.M. Ghogare, 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. 442/2016

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

Dated : 9th November, 2016.

None for the applicant.
Shri P.N. Warjurkar, Id. P.O. for
the respondent No.1. Respondents
no. 2 and 3 are yet to be served.
Hamdast is collected in July,
2016. With a view to afford one
more opportunity, **S.O. 1 week for
taking necessary steps.**

Member (J)

Skt.

O.A. No. 383/2016

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

Dated : 9th November, 2016.

None for the applicant.
Shri A. Khadatkar, Id. P.O. for the
respondent No.1. Respondents no.
2 and 3 are yet to be served.
Hamdast is not collected from
June, 2016. With a view to afford one
more opportunity, **S.O. 2 weeks for
taking necessary steps .**

Member (J)

Skt.

O.A. No. 183/2015

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

Dated : 9th November, 2016.

None for the applicant.
Smt. S.V. Kolhe, Id. P.O. for the
respondent No.1 to 3. Await service
to R/4. Respondent no. 4 is yet to
be served. Hamdast is collected
on 7/7/2016. By way of last
chance, **S.O. 2 weeks.**

Member (J)

Skt.

Rev. Appn. No.1787/15 in O.A. No.
797/2014

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

Dated : 9th November, 2016.

C.A. Nos.497/16 & 527/2015

There is a leave note of the Id. Counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondent No.1 and 2. None for R/3 and 4.

S.O. 1 week.

Member (J)

Skt.

O.A. No. 248/2016

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

Dated : 9th November, 2016.

Heard Shri D.M. Kakani,
Id. Counsel for the applicant and

Shri A.M. Ghogare, Id. P.O. for the respondents 1 to 3. None for R/4 and 5.

2. By consent of Id. Counsel for both the sides, the matter is heard and decided finally at the stage of admission.

3. The transfer order dtd. 21/4/2016 (Annexure-A-1, Page-14) is under challenge by which the applicant, Tahsildar, is transferred from Arjuni Morgaon to Gondia.

4. The challenge to the order is two fold. Firstly, the order being issued in April, is mid-term. Secondly, the applicant was working at the present posting from December, 2015 and has not completed the tenure. No compliance under Section 4 (4)(5) of

the Maharashtra Govt. Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the Transfer Act) is made and the order is issued by the Divisional Commissioner, Nagpur Division, i.e., R/2.

5. There is no gainsaying of these facts. However, the respondents' case is that the Commissioner is vested with the power to issue the transfer order vide G.R. dtd. 17/12/2014. Under the said G.R., the Divisional Revenue Commissioner is empowered to issue the general transfer order only but the order in the case in hand is mid-tenure and mid-term which

requires compliance of the above legal provisions and that is not done.

6. It is also urged that R/4 is transferred vide order dtd. 19/8/2016 and he joined at Arjuni Morgaon and the applicant was relieved on 22/4/2016 (Annexure-R-3, Page-49). Respondent No. 4 has not filed the reply. It is well settled that the joining and relieving does not assume any significance while considering the legality and validity of the transfer order. In effect, no much capital can be made of aspect of the joining and relieving. That aspect cannot be decisive one because it will tantamount to vest with the authority to decide the legality and validity of the order and to denude the court of that power.

7. It is also urged that the order dtd. 19/8/2016 is issued after complying the provisions . However, the impugned order dtd. 21/4/2016 is not legal and valid the subsequent order dtd. 19/8/2016 transferring R/4 in place of the applicant though issued after complying the provisions, cannot confer right to R/4 to join on the post of the applicant.

8. The respondents' case is that the transfer is made on the administrative exigency as the applicant is failed to handle the law and order problem. No doubt, such reason can be a good ground but that does not absolve the authority to comply the provisions of Section 4 (4) (5) of the Transfer

act of taking prior approval and recording reasons etc. which is not done in this case.

9. Viewed from any angle, both the orders cannot be said to be legal and valid because when the first order dtd. 21/4/2016 is not valid, the right is accrued in favour of the applicant to continue on that post and posting of R/4 cannot be continued on the same post. Consequently, both the orders are quashed. In effect the applicant be given posting to Arjuni Morgaon . The order be complied with within 2 weeks. Accordingly the O.A. is allowed with no order as to costs.

(S.S. Hingne)
Member (J)

Skt.

