

O.A.No.205/2021 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated: 18.08.2021

Heard Mr. S.P. Palshikar, learned Advocate for the Applicant and Mr. P.N. Warjekar, Presenting Officer for Respondents.

2. At the request of learned Advocate adjourned to 27.08.2021.

Vice Chairman

Chairperson

prk

O.A. No.611/2017 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. S.U. Nemade, learned Advocate for the Applicant and Mr. H.K. Pande, learned Presenting Officer for respondents.

2. At the request of learned P.O. adjourned to four weeks.

Vice Chairman

Chairperson

prk

O.A. No.611/2017 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. S.U. Nemade, learned Advocate for the Applicant and Mr. H.K. Pande, learned Presenting Officer for respondents.

2. At the request of learned P.O. adjourned to four weeks.

Vice Chairman

Chairperson

prk

O.A. No.651/2021 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. Sachin Khandekar, learned Advocate for the Applicant and Mr. S.A. Deo, learned Chief Presenting Officer for respondents.

2. In this matter the applicants who are aspiring to become staff nurses are challenging the Rule 11 of the newly framed Rules dated 27.02.2021. For ready reference Rules read as follows :-

Rule 11. They are to be placed before us the ratio for family and for the post mentioned in Rules 4, 5, 7, 8 and 11 by nomination shall be 90: 10 respectively.

Vice Chairman

Chairperson

prk

O.A. Stamp No.5/2021 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. A.S. Bhendarkar, learned Advocate for the Applicant and Mr. V.A. Kulkarni, learned Presenting Officer for respondents.

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 after six weeks.

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 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. Adjourned for six weeks.

Vice Chairman

Chairperson

prk

C.A.No.5/2021 in O.A. Stamp No.5/2021 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. A.S. Bhendarkar, learned Advocate for the Applicant and Mr. V.A. Kulkarni, learned Presenting Officer for respondents.

2. Civil Application No.5/2021 is moved by the applicant for condonation of delay of 353 days. Affidavit-in-reply, dated 07.06.2019 is filed on behalf of Respondent No.3, through Superintendent of Police, Gadchiroli, thereby opposing the delay. Taken on record. Copy served to learned Advocate for the Applicant.

3. The learned Advocate submits that he is challenging the order rejecting his Appeal dated 03.01.2019 wherein he has challenged his termination, thus he was required to file this O.A. before this Tribunal on or before 02.01.2020, whereas the applicant has filed the O.A. on 31.12.2021. The learned Counsel further submits that in view of the order

passed by the Hon'ble Supreme Court in Sua Motu W.P (Civil) No. 3 of 2020, the delay was condoned after 15.3.2020. Thereafter, the Hon'ble Supreme Court in M.A 665/2021 in Sua Moto W.P (Civil) No. 3/2020 by order dated 27.4.2021, extended the period of limitation up to 19.7.2021. In view of the above learned Counsel for the applicant submits that there is a delay of only 71 days in filing O.A..

4. Learned C.P.O raises objection on the point of limitation.

5. Learned Counsel for the applicant points out that the applicant was unwell from 26.01.2021 till 24.03.2021. He was taking treatment, medical certificate is annexed herewith.

6. In view of the submissions of learned Counsel the period of 71 days is hereby condoned. Civil Application No.5/2021 is disposed off.

Vice Chairman

Chairperson

prk

C.A.No.30/2019 in O.A.No.794/2017 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. K.N. Dadhe, learned Advocate for the Applicant and Mr. M.I. Khan, learned Presenting Officer for respondents.

2. The learned P.O. files affidavit-in-reply dated 18.09.2019 and 21.09.2019 on behalf of Respondents No.2 and 3, through Dr. Pradeep Vyas, Principal Secretary, Public Health Department, Mantralaya and Dr. AnupKumar Yadav, working as Commissioner, Health Services and Mission Director, National Health Mission, Mumbai respectively. Taken on record. Copy served to learned Advocate for the Applicant.

3. The learned Advocate produces the order dated 06.01.2020 transferring the applicant along with the copy of affidavit-in-

reply dated 18.09.2019 filed by Dr. Pradeep Vyas Public Health Department. In the affidavit-in-reply the deponent has tendered unconditional apology, in view of the order dated 06.01.2020.

4. As there is a compliance of the order dated 21.01.2019 the subject matter of this contempt application is over and nothing remains in the Contempt Petition.

5. In view of the above, C.P. is hereby disposed off.

Vice Chairman

Chairperson

prk

C.P.No.33/2020 in O.A.No.845/2018 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. S.M. Khan, learned Advocate for the Applicant and Mr. S.A. Sainis, learned Presenting Officer for respondents.

2. Contempt Petition is filed for non-compliance of the order of the Tribunal dated 12.04.2017 in O.A.No.304/2016 and order dated 07.11.2019 in O.A.No.845/2018. The learned P.O. produces letter dated 17.08.2021 written by Ms. Smita Bagul, Section Officer from the Department of Water Supply to the learned Chief Presenting Officer M.A.T Bench Nagpur informing that the service of the applicant is regularized for the period from 01.02.1983 to 09.01.1989. Therefore it is necessary to do exercise of re-fixation of his pay and pensionary benefits.

3. The learned P.O. prays for two months time for the same.

4. Time granted. Matter fixed after 8 weeks. However Respondents are directed

to file affidavit-in-reply within three weeks hereafter i.e. on or before 09.09.2021 and copy be served upon learned Advocate by 09.09.2021.

5. Matter adjourned after eight weeks.

Vice Chairman

Chairperson

prk

C.P.No.2/2020 in O.A.No.621/2019 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. D.M. Kakani, learned Advocate for the Applicant and Mr. M.I. Khan, learned Presenting Officer for respondents.

2. The learned Advocate for the applicant prays for withdrawal of Contempt Petition No.2/2020.

3. Allowed to withdraw. C.P. is hereby disposed off as withdrawn.

Vice Chairman

Chairperson

prk

O.A.No.1087/2019 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. S.P. Palshikar, learned Advocate for the Applicant and Mr. S.A. Deo, learned Chief Presenting Officer for respondents.

2. The learned Advocate prays that present O.A. i.e. O.A.No.1087/2019 be clubbed along with C.A. No.340/2020 in O.A.No.675/2019 and O.A. No.978/2020.

3. In view of the request of learned Advocate matters be clubbed together.

4. Adjourned by four weeks.

Vice Chairman

Chairperson

prk

O.A. No.767/2017 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. A.M. Khadatkar, learned Presenting Officer for respondents.

2. Mr & Mrs. Wathore & Mr. M.V. Joshi, learned Advocate for the Applicant are absent.

3. The learned Advocate to remain present as the matter is pending since 2017. The learned P.O. submits that the respondents have already filed affidavit-in-reply dated 29.08.2018. The learned P.O. submits that in the affidavit-in-reply objections have been raised regarding maintainability of this O.A. in view of the relief claimed by the applicant.

4. In view of above, one of the learned Advocate to remain present on next date.

5. Adjourned to 20.08.2021.

Vice Chairman

Chairperson

prk

O.A. No.832/2017 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. D.M. Kakani, learned Advocate with Mr. G.K. Bhusari, learned Advocate for the Applicant and Mr. P.N. Warjekar, learned Presenting Officer for respondents.

2. The affidavit-in-reply is already filed. The learned Advocate seeks time to file rejoinder.

3. Time granted. The Applicant is the Ex-Civil Surgeon has retired on 31.03.2007 has challenged the Chargesheet issued on 20.03.2021 and the memorandum issued by the Respondent dated 03.10.2015 and also prays for the release of pensionary benefits. It is further prayed that the memorandum dated 03.10.2015 is to be stayed. The learned Counsel for the applicant submits that the concerned to the charge-sheet and memorandum was conducted and it was concluded and enquiry was conducted.

4. The learned Advocate further submits that the applicant filed the appeal on 28.10.2018 (Note : On 10.10.2018 final order was passed by the Respondent No.1 and then the appeal was filed on 28.11.2018 before His Excellency the Governor and it is still pending.)

5. As the Departmental Enquiry is already concluded and the applicant has filed Appeal before His Excellency its result is awaited. Hence no cause of action remains in the O.A. Further, if the result of the appeal is against the applicant then Applicant will have to approach the Tribunal agitating afresh. However as the subject matter of this O.A. is over, O.A. is disposed off accordingly.

6. In the prayer the applicant has already prayed for pensionary benefits. Respondents are directed to consider his prayer in view of the punishment and the recovery if any. If the pensionary benefit is to be paid to the applicant the same be paid after the conclusion of his appeal.

7. In view of this O.A. is disposed off.

Vice Chairman

Chairperson

prk

O.A. No.2/2018 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. & Mrs. Saboo, learned Advocate for the Applicant and Mr. H.K. Pande, learned Presenting Officer for Respondents No.1 & 2 .

2. Reply is already filed by M.P.S.C.

3. Admitted. The learned Counsel submits that the applicant claims for migration in horizontal reservation in the light of the judgment of Hon'ble Supreme Court in ***Saurav Yadav & Ors. Versus State of Uttar Pradesh & Ors, reported in (2019) 14 SCC 692.***

4. Admitted and kept for final hearing.

Vice Chairman
prk

Chairperson

O.A.No.755/2020 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. S.P. Palshikar, learned Advocate for the Applicant and Mr. A.M. Goghare, learned Presenting Officer for Respondents.

2. This matter is regarding migration claim in respect of female open as the applicant belongs to NTD category.

3. The learned P.O. to consider the judgment of ***Saurav Yadav & Ors. Versus State of Uttar Pradesh & Ors, reported in (2019) 14 SCC 692***, so also the policy of the State of Maharashtra in Government Resolution of 2014 and thereafter corrigendum issued lifting the hurdle of the migration in horizontal reservation in the category of female open.

4. Adjourned after eight weeks.

Vice Chairman
prk

Chairperson

O.A.No.1011/2019 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. Bharat Kulkarni & Mr. S. Pande, learned Advocate for the Applicant and Mr. P.N. Warjekar, learned Presenting Officer for Respondents.

2. Affidavit-in-reply is already filed on record. Admitted and adjourned by eight weeks.

3. The learned P.O. submits that the enquiry report is already submitted on 06.11.2020 and the applicant was issued show cause notice on 20.04.2021. However the Tribunal has stayed the proceedings on 19.03.2021 and hence the final order could not be passed.

4. in view of these developments matter is adjourned after eight weeks for final hearing.

Vice Chairman
prk

Chairperson

O.A.No.1011/2019

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. Bharat Kulkarni & Mr. S. Pande, learned Advocate for the Applicant and Mr. P.N. Warjekar, learned Presenting Officer for Respondents.

2.

Vice Chairman

Chairperson

prk

O.A.No.1012/2019 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. Bharat Kulkarni & Mr. S. Pande, learned Advocate for the Applicant and Mr. H.K. Pande, learned Presenting Officer for Respondents.

2.

Vice Chairman

Chairperson

prk

C.A.No.77/2020 in O.A.No.5/2020 **(DB)**

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. A.M. Khadatkar, learned Presenting Officer for Respondents No.1 to 3 and Mr. S.N. Gaikwad, learned Advocate for Respondents No.4 to 22 (Intervener).

2. Mr. R.V. Shiralkar, learned Advocate for the Applicant is absent. Leave note is on record.

Vice Chairman

Chairperson

prk

O.A.No.18/2020 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. Bharat Kulkarni, learned Advocate with Mr. S. Pande, learned Advocate for the Applicant and Mr. S.A. Sainis, learned Presenting Officer for Respondents.

2.

Vice Chairman

Chairperson

prk

O.A.No.19/2020 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. S.S. Sarada & Mr. N.A. Waghmare, learned Advocate for the Applicant and Mr. A.P. Potnis. Presenting Officer for Respondents.

2.

Vice Chairman

Chairperson

prk

O.A.No.127/2020 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. B. Kulkarni with Mr. S. Pande, learned Advocate for the Applicant and Mr. A.P. Potnis. Presenting Officer for Respondents.

2.

Vice Chairman

Chairperson

prk

O.A.No.161/2020 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. & Mrs. Thakre with Mrs. A.Y. Pardhi, learned Advocate for the Applicant and Mr. V.A. Khodpakar, Presenting Officer for Respondents.

2.

Vice Chairman

Chairperson

prk

C.P.No.5/2019 in O.A.No.738/2014 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. P.J. Mehta, learned Advocate for the Applicant and Mr. A.M. Khadapkar, Presenting Officer for Respondents.

2. The learned P.O. submits that pension is paid to the Applicant.

3. In view of compliance of the order passed by this Tribunal C.P. is disposed off..

Vice Chairman

Chairperson

prk

C.P.No.20/2019 in O.A.No.154/2018 **(DB)**

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. A.D. Girdekar & Mr. B.S Thakare, learned Advocate for the Applicant and Mr. V.A. Khodpakar, Presenting Officer for Respondents.

2. The learned Counsel submits that the order of the Tribunal which is the subject matter of Contempt Petition is complied and hence nothing remains in this Contempt Petition.

4. In view of above, C.P. is disposed off.

Vice Chairman

Chairperson

prk

C.P.No.32/2019 in O.A.No.542/2017 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. B. Kulkarni, learned Advocate for the Applicant and Mr. P.N. Warjekar, Presenting Officer for Respondents.

2. In this Contempt Petition the learned Advocate for the applicant placed order dated 25.02.2020 passed by the Hon'ble Division Bench of High Court of Judicature at Bombay, bench at Nagpur in Writ Petition No.1072/2020. Taken on record and marked as Exhibit-A.

3. Respondents are hereby directed to file short affidavit-in-reply in one paragraph stating about the full compliance of the order passed by this Tribunal.

4. The learned P.O submits on instructions from Ms. Monica C., Public Health Department that the Respondent need three months time for full compliance of the order passed by this Tribunal as there is revision of the pay scale and pension.

5. Time granted till 18.11.2021.

6. Matter fixed on 22.11.2021 for compliance report.

Vice Chairman

Chairperson

prk

C.A.No.34/2019 in O.A.No.603/2016 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. S.C. Deshmukh, learned Advocate for the Applicant and Mr. A.M. Khadapkar, Presenting Officer for Respondents.

2. At the request of learned Advocate adjourned by eight weeks.

Vice Chairman

Chairperson

prk

C.A.No.40/2019 in O.A.No.590/2017 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. A.M. Khadapkar,
Presenting Officer for Respondents.

2. Mr. A.R. Ingole, learned Advocate for
the Applicant is absent.

3. Adjourned after four weeks.

Vice Chairman

Chairperson

prk

C.P.No.45/2020 in O.A.No.1025/2018 **(DB)**

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. N.B. Rathod & Mr. R. Waghmare, learned Advocate for the Applicant and Mr. H.K. Pande, Presenting Officer for Respondents.

2. The learned P.O. submits that the order of the Tribunal is partly complied with, however, the Respondents needs four weeks time to comply the order fully.

3. Adjourned by four weeks.

Vice Chairman

Chairperson

prk

O.A.No.978/2020 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. S.P. Palshikar, learned Advocate for the Applicant and Mr. S.A. Deo, Chief Presenting Officer for Respondents.

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 after four weeks.

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 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. Adjourned for four weeks. To be clubbed along with O.A.No.1087/2019 & C.A.No.340/2020 in O.A.No.675/2019.

Vice Chairman

Chairperson

prk

O.A.No.281/2015 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. G.G. Bade, learned Advocate & Mr. P.P. Khaparde, learned Advocate for the Applicant, Mr. V.A. Kulkarni, Chief Presenting Officer for Respondents, Mr. H.D. Marathe, learned Advocate for the Respondent No.2, Mr. & Mrs. Palshikar, learned Advocate for the Respondents No.2 to 5.

2.

Vice Chairman

Chairperson

prk

C.P.No.13/2020 in O.A.No.181/2019 (DB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson &
Mr. Shree Bhagwan,
Hon'ble Vice-Chairman**

Dated : 18.08.2021

Heard Mr. S.P. Palshikar, learned Advocate for the Applicant and Mr. A.P. Potnis, Presenting Officer for Respondents.

2. The learned P.O. submits that the entire payment is made to the applicant as per the order of the Tribunal. He produces the letter sent by the Additional Superintendent of Police, Anti Corruption, Nagpur to Superintendent of Anti Corruption Nagpur dated 06.11.2020 informing about payment along with chart. Taken on record and marked as Exhibit-A.

3. The learned Counsel submits that as the order of the Tribunal is complied with matter can be disposed off.

4. In view of above, C.P. is disposed off.

Vice Chairman
prk

Chairperson

O.A. No.611/2021 (SB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson**

Dated : 18.08.2021

Heard Mr. S.U. Nemade, learned Advocate for the Applicant and Mr. H.K. Pande, learned Presenting Officer for respondents.

2. At the request of learned P.O. adjourned to four weeks.

Chairperson

prk

O.A. No.703/2021 (SB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson**

Dated : 18.08.2021

Heard Mr. P.M. Warjekar, learned Presenting Officer for respondents.

2. Mr. S.D. Chande, learned Advocate for the applicant is absent.

3. At the request of learned P.O. adjourned to 23.08.2021.

Chairperson

prk

O.A. No.699/2021 (SB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson**

Dated : 18.08.2021

Heard Mr. G.G. Bade, learned Advocate for the applicant and Mr. A.P. Potnis, learned Presenting Officer for respondents.

2. The Applicant, Medical Officer who is 60 years of age challenges the impugned order dated 09.08.2021 transferring him from District General Hospital, Amravati to Hatharu Primary Health Centre, Melghat Tribal Area, Amravati on the following grounds :

(a) The Applicant's son is studying in 10th Std. in Nagpur.

(b) He relies on Government Resolution dated 06.08.2002, Clause 5 wherein it is mentioned that the Government servant who has completed 50 years may not be given posting in the sensitive Tribal area.

(c) Respondent No.3 has given the application to retain him at Hatharu.

(d) Hatharu is 150 kms. from Amravati and 300 kms. from Nagpur and applicant's family resides at Nagpur.

3. The learned P.O. while opposing this application submit that Hatharu is in the same District i.e. in Amravati. He was due for transfer and his family is staying at Nagpur.

4. Considered submissions.

5. Respondent No.3 is not yet served hence he is not present before the Tribunal.

6. The family of the applicant is residing at Nagpur, son is studying in 10 Std. at Nagpur so because of his transfer his son's education is not going to be disturbed.

7. In G.R. of 2012, Clause 5 it is directory and not mandatory that the Government servant who has completed 50 years not be given posting in the sensitive Tribal area. Applicant is going to retire at the age of 62 years. Applicant's case is not covered by Rule 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). No good reason found in his grounds.

8. I do not find any ground to consider the prayer at interim stage. Considering the grounds given by the applicant, O.A. can be dismissed and disposed off at threshold. However, the representation made by the applicant dated 14.08.2021 to be decided by the Respondent within one week.

9. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

10. Issue notice before admission returnable after six weeks.

11. 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 would be taken up for final disposal at the stage of admission hearing.

12. 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.

13. 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.

14. Adjourned for six weeks. Steno copy allowed.

Chairperson

prk

O.A. No.697/2021 (SB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson**

Dated : 18.08.2021

Heard Mr. & Mrs. N.R. Saboo, learned Advocate for the applicant and Mr. A.M. Khadatkar, learned Presenting Officer for respondents.

2. The Applicant, Forest Guard, challenges the transfer order dated 09.08.2021 issued by the Respondent from Flying Squad, Wild Life, Gondiya Division to Kulrbhati-2 Beat in Salekasa Range in Most Sensitive Area on the following grounds :-

- (a) The Applicant's husband is also a Forest Guard and is working at proper Gondiya.
- (b) Her posting at Kulrbhati-2 is at the distance of 70 – 80 kms.
- (c) The area is most sensitive and therefore it takes more than two hours to travel from Gondiya to Salekasa.
- (d) The Applicant has a child of 2 years old.
- (e) She relies of G.R. dated 09.04.2018 wherein Schedule 1, Clause No.5 is regarding preferential choices. The Applicant did not give 10

preferences but she gave only 3 preferences. First to continue at present posting, second Gondia range and third Fulchar Naka. However, without none of these were considered.

- (f) The learned Counsel submits that the post at Fulchar Naka is vacant at present. Further he submits that she has made representations dated 15.07.2021 and 10.08.2021 to Deputy Conservator of Forest about the modification in the order of the transfer and it is to be made as per request.

3. The learned P.O. to take instruction by 20.08.2021 as to what decision is taken with regard to her representations and inform the Tribunal accordingly

4. Adjourned to 20.08.2021.

Chairperson

prk

O.A. No.698/2021 (SB)

**Coram : Justice Mridula Bhatkar,
Hon'ble Chairperson**

Dated : 18.08.2021

Heard Mr. C.R. Sharma, learned Advocate for the Applicant and Mr. M.I. Khan, learned Presenting Officer for respondents.

2. The Applicant, Naib Tahsildar, challenges the transfer order dated 09.08.2021 issued by the Respondent No.1 transferring him from Murtizapur, District-Akola to Naib Tahsildar (Election), Tahsil Office Sangrampur, District-Buldhana.

3. The learned Advocate submits that the transfer order is challenged on the basis of following grounds :-

(a) The Applicant was transfer by order dated 20.10.2020. However that order was not implemented by the Respondent No.2 as he was not relieved so he continued at the post of Naib Tahsildar, Murtizapur.

(b) The Government Resolution of April 2018 is not followed as none of the 10 preferential choices were considered by the Respondents.

(c) The Applicant is shouldering responsibility of old parents. Parents are staying in Yavatmal and distance from Murtizapur to Yavatmal is near about 100 kms. and the distance from Yavatma to Sangrampur is more than 200 kms.

(d) As per the choices of the applicant, Naib Tahsildar, Pusad, District Yavatmal was given the choice and the said post is still vacant and nobody is transferred at the present on the post at Murtizapur.

4. The learned P.O. submits that the applicant is gone on medical leave on 09.08.2021 and so he is relieved from that post. He further submits that the distance between Yavatmal to Sangrampur is 113 kms and not 200 kms. The learned P.O. submits that several preference given by the Applicant are not as per G.R. dated 09.04.2018 because he has given majority of choices in District Yavatmal and one is at Amravati and has sought extension at Murtizapur whereas accordingly to G.R. he is required to give choices as preference of different district.

5. The learned Counsel for the applicant refutes the statement made by learned P.O. that the applicant is on medical leave and as on today or on 09.07.2021.

6. Learned P.O. to file affidavit-in-reply. Time granted.

7. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

8. Issue notice before admission returnable after two weeks.

9. 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 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. Applicant is directed to file affidavit of compliance and notice.

12. Applicant is directed to join posting without any prejudice. Respondents to make statement whether any post at Pusad, District Yavatmal is available or not.

13. Adjourned to two weeks.

Chairperson

prk

