

O.A.No.321/2023 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :05/06/2023.**

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. Ld. Counsel for the applicant has pointed out judgment of Hon'ble High Court, Bench at Aurangabad.

3. At the request of ld. P.O., **S.O. 28.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.460/2023 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :05/06/2023.

C.A.No.249/2023:-

Heard Shri P.S.Patil, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. Both the applicants are claiming same relief. Hence, **C.A.No.249/2023 for Jt. O.A. is allowed.**

O.A. No. 460/2023:-

2. Issue notice to Respondents, returnable on 26.06.2023. Learned P.O. waives notice for R-1. Hamdast allowed.

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

8. **S.O. 26.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

C.P.No.47/2023 in O.A.No.579/2018 (D.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :05/06/2023.

Heard Shri G.K.Bhusari, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the State.

2. Issue Notice to the respondents returnable in **28.06.2023** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. Shri A.M.Ghogre, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

4. **S.O. 28.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.491/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri M.R.Khan, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the State. Await service of R-2 & 3.

2. As per the submission of ld. Counsel for the applicant, all the respondents are served. He will file service affidavit within two weeks, **S.O. two weeks.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.1014/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Smt. Saboo, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents. None for the R-3.

2. The ld. P.O. has filed reply on behalf of the respondents 1 & 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

3. Hence, O.A. is **admitted** and kept for final hearing.

4. The ld. P.O. waives notice for the respondents.

5. **S.O. 19.06.2023.**

6. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.St.No.1781/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

C.A.No.312/2022:-

Heard Shri J.S.Wankhede, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. 20.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.888/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri N.R.Tekade, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. Ld. P.O. has filed reply on behalf of the respondent no. 4. It is taken on record. Copy is served to the other side. He further seeks time to file reply of other respondents, **S.O. 21.06.2023 to file reply as a last chance.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.908/2022 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri P.S.Patil holding for Shri Y.P.Kaslikar, ld. counsel for the applicant, Shri A.P.Potnis, ld. P.O. for the respondents and Shri S.Majid, ld. Counsel for the R-4. None for the R-5.

2. Ld. P.O. seeks time to file reply of respondents 1 to 3. Respondents 4 & 5 have already filed reply.

3. **S.O. 26.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.71/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 19.06.2023 to file reply.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.81/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri R.V.Shiralkar, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. As per the submission of Id. Counsel for the applicant, respondents have considered the request of the applicant and he has transferred to Bhandara. Now the applicant has no any grievances. Hence, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.194/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. The ld. P.O. has filed reply on behalf of the respondents 2 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

3. Hence, O.A. is **admitted** and kept for final hearing.

4. The ld. P.O. waives notice for the respondents.

5. **S.O. 13.06.2023.**

6. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.220/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri Bavankar holding for Shri S.M.Khan, ld. counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondents and Shri Saket Makkad holding for Shri S.M.Bhangde, ld. Counsel for the R-3.

2. At the request of ld. P.O., **S.O. 20.06.2023 to file reply.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.428/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri R.M.Fating, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the State. Await service of R-2 & 3.

2. As per the submission of Id. Counsel for the applicant, all the respondents are served.

3. Interim relief granted on 04.05.2023 will be extended till the filing of the reply, **S.O. 27.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.517/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. Ld. C.P.O. has filed posting order of the applicant dated 02.06.2023. It is taken on record. It is marked Exh. 'X' for the purpose of identification. As per this order the applicant is posted at 'Hardoli'. As per the submission of ld. Counsel for the applicant, now applicant has no any grievance. The posting order is given as per his request. Hence, **original application is disposed of with no order as to costs.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.519/2023 (S.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. Ld. C.P.O. has filed relieving order. It is marked Exh. 'X' for the purpose of identification. As per this order, the applicant is already relieved on 02.06.2023. Hence, interim stay cannot be granted.

3. Issue notice to Respondents, returnable on 20.06.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

5. 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.

6. 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.

7. 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.

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

9. **S.O. 20.06.2023.**

Vice Chairman

Date:- 05/06/2023.

aps.

O.A.No.521/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri P.S.Wathore, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. As per the submission of ld. Counsel for the applicant, applicant is transferred from the Library Department to the office of respondents. He has pointed out order dated 20.08.2021.

3. As per the submission of ld. C.P.O., applicant is transferred from Amravati to Yavatmal on Administrative ground. As per his submission, applicant has completed his normal tenure for transfer.

4. Ld. Counsel for the applicant submitted that applicant is transferred at the fag end of service. She is about to retire within two years. Therefore, prayed to grant stay to the transfer order dated 31.05.2023.

5. Transfer is a condition of service. Transfer can be stayed only on the ground of malafide or breach of any statutory provisions.

6. As per Section 2 of the Transfer Act, 2005, the procedure is given that employee can be transferred after completion of his/her normal tenure of posting of three years. As per Section 5 of the Transfer Act, 2005, extension can be granted if the employee is to be retired within one year from the date of transfer.

7. In the present matter, the applicant has completed normal tenure of transfer. Secondly, the applicant is not due for retirement before one year. There is no any breach of statutory provisions. Hence, interim stay cannot be granted.

8. Issue notice to Respondents, returnable on 27.06.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

10. 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.

11. 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.

12. 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.

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

14. **S.O. 27.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.744/2019 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri A.Motlog holding for Shri R.V.Shiralkar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. two weeks.**

Vice Chairman

Date:- 05/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.

Heard Shri S.A.Marathe, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. Ld. Counsel for the applicant has pointed out transfer order dated 26.05.2023. Applicant is transferred from Koparalli to Sirkondo-II. Applicant has completed his normal tenure of transfer. He had given 10 options but those options were not considered. He has further submitted that Porla, Sakhara and Regedi are kept vacant. Applicant is not yet relieved, therefore, prayed to grant stay to the interim transfer order.

3. Ld. C.P.O. submits that he has to get instructions.

4. From the perusal of transfer order, all the transferred employees were directed to join on 05.06.2023. Whether the applicant is relieved or not is not yet clear.

5. **Respondents are directed to consider the representation of the applicant dated 31.05.2023 till the returnable date.**

6. Issue notice to Respondents, returnable on 21.06.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

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

12. **S.O. 21.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.523/2023 (S.B.)

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. As per the submission of ld. Counsel for the applicant, applicant had given 10 choices on 12.05.2023, without considering the choices given by the applicant, he had transferred from Wadsa Division to Bambragad Division. The applicant made representation on 02.06.2023. As per the transfer order, transferred employees were directed to join on 05.06.2023 i.e. on today. Whether the applicant is relieved or not it is not clear.

3. The applicant has already made representation dated 02.06.2023. **Respondents are directed to consider the options given by the applicant in the representation dated 02.06.2023.**

4. Issue notice to Respondents, returnable on 22.06.2023. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

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

10. **S.O. 22.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.524/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. As per the submission of ld. Counsel for the applicant, applicant is yet not relived.

3. Ld. C.P.O. wants time to get instructions, **S.O.**
06.06.2023.

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.254/2020 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri V.A.Kothale, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents and Shri T.M.Zaheer, ld. Counsel for the respondent no. 3.

2. Ld. Counsel for the applicant has relied on Judgment of Hon'ble High Court Bombay, Bench at Aurangabad in W.P.No.2330/2021 and the Judgment of Hon'ble High Court Bombay, Bench at Nagpur in W.P.No.884/2022.

3. Ld. Counsel for the respondent no. 3 seeks time to get another judgment, **S.O. 19.06.2023.**

4. Matter be treated as P.H..

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.Nos.1043&1044/2019 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri P.P.Khaparde holding for Shri G.G.Bade, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. 21.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.284/2020 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

None for the applicant. Shri M.I.Khan, Id. P.O.
for the respondents.

2. S.O. 28.06.2023.

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.659/2020 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. 15.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.1077/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

None for the applicant. Shri M.I.Khan, Id. P.O.
for the respondents. None for the R-3.

2. S.O. 28.06.2023.

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.373/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri S.C.Deshmukh, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. 12.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.

O.A.No.996/2021 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 05/06/2023.**

Heard Shri S.U.Nemade, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents. None for the R-4.

2. At the request of ld. Counsel for the applicant, **S.O. 27.06.2023.**

Vice Chairman

Date:- 05/06/2023.
aps.