

O.A. No.29 /2016.

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

Dated : 31st August 2016.

C.A. No. 137/2016 in C.P.(St.) 548/2016.

Shri D.M. Kakani, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

Order dated 21.7.2016 is to be called so far as it relates to the disposal of the C.A. The C.A. is disposed of is wrongly mentioned. As such the sentence of the order is put up before the D.B. Hence that much portion i.e. "C.A. is disposed of" is deleted.

Member (J)

pdg

O.A. No.804/2015.

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

Dated : 29th August 2016.

Shri Bharat Kulkarni, learned counsel for the applicants and Shri S.A. Sainis, learned P.O. for the respondents.

The learned P.O. submits that an identical matter is decided by the Principal Bench of this Tribunal at Mumbai. As such the O.A. can be disposed of.

S.O. 1.9.2016.

Member (J)

pdg

O.A. No.786/2015. (S.B.)

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

Dated : 31st August 2016.

None for the applicant. Shri A.M. Ghogre, learned P.O. for the respondents 1 and 2. Shri R.S. Suryavanshi, Adv. holding for Shri A.V. Gavande, learned counsel for R.3.

At the request of learned counsel for R.3, S.O. **two weeks.**

Member (J)

pdg

O.A. No.756/2015. (S.B.)

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

Dated : 31st August 2016.

Shri R.S. Suryavanshi, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

At the request of learned counsel for the applicant, S.O. **four weeks.**

Member (J)

pdg

O.A. No.102/2015. (S.B.)

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

Dated : 31st August 2016.

Shri R.S. Suryavanshi, Adv. holding for Shri S.Y. Deopujari, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

At the request of learned counsel for the applicant, S.O. **four weeks.**

Member (J)

Pdg

O.A. No.724/2015. (S.B.)

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

Dated : 31st August 2016.

Shri S.D. Borkute, Adv. holding for Shri S.M. Joshi, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

At the request of learned counsel for the applicant, S.O. **four weeks.**

Member (J)

pdg

O.A. No.707/2015. (D.B.)

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

Dated : 31st August 2016.

Shri Bharat Kulkarni, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

The learned P.O. has filed reply of R. 2 and 3, it is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

Matter needs to be admitted. However, at the request of learned counsel for the applicant, S.O. **three weeks for admission.**

Member (J)

pdg

O.A. No.415/2015. (D.B.)

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

Dated : 31st August 2016.

Shri S.W. Sambre, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

The learned P.O. submits that the representation is decided. However, the applicant has not joined. The learned counsel for the applicant wants to take instructions.

S.O. **one week.**

Member (J)

pdg

O.A. No.327/2016. (D.B.)

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

Dated : 31st August 2016.

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

The State is not made party respondent and thus the order dated 6.6.2016 is not complied with.

None is appearing for the applicant for last two dates.

With a view to afford one more opportunity, S.O. **three weeks for dismissal.**

Member (J)

pdg

O.A. No.358/2009. (D.B.)

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

Dated : 31st August 2016.

Shri S.P. Palshikar, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents 1 to 3. None for R.4.

At the request of learned counsel for the applicant, **Stand over.**

Member (J)

pdg

O.A. No.820/2015. (D.B.)

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

Dated : 31st August 2016.

Shri D.M. Kakani, learned counsel for the applicant and Shri H.K. Pande, learned P.O. for the respondents.

At the request of learned P.O., S.O. **six weeks.**

Member (J)

pdg

O.A. No.483/2016. (D.B.)

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

Dated : 31st August 2016.

Smt. K.N. Saboo, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

At the request of learned P.O., S.O. **four weeks for reply.**

Member (J)

pdg

**O.A. No.761, 802 and 805 of 2015.
(D.B.)**

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

Dated : 31st August 2016.

Heard Shri P.P. Khaparde, Adv. holding for Shri G.G. Bade, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

The learned P.O. has filed reply of R. 2 and 3. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

ADMIT.

Shri M.I. Khan, learned P.O. waives notice for the respondents.

Stand over.

Member (J)

Pdg

O.A. No.427/2015. (D.B.)

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

Dated : 31st August 2016.

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

At the request of learned P.O., S.O. **two weeks for reply** by way of last chance.

Member (J)

pdg

O.A. No.242/2016. (D.B.)

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

Dated : 31st August 2016.

Shri N.S. Warulkar, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents 1 to 3. None for R.4 & 5.

At the request of learned P.O., S.O. **four weeks for reply.**

Member (J)

pdg

O.A. No.128/2016. (D.B.)

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

Dated : 31st August 2016.

None for the applicant. Smt. M.A. Barabde, learned P.O. for the respondent No. 1. Shri A.M. Kukday, Adv. for R.2.

At the request of learned P.O., S.O. **three weeks for reply.**

Member (J)

pdg

O.A. No.140/2016. (D.B.)

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

Dated : 31st August 2016.

None for the applicant. Smt. M.A. Barabde, learned P.O. for the respondent No. 1. Shri A.M. Kukday, Adv. for R.2.

At the request of learned P.O., S.O. **three weeks for reply.**

Member (J)

pdg

O.A. No.169/2016. (D.B.)

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

Dated : 31st August 2016.

Shri S.G. Ramteke, learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondent No. 1. Shri A.M. Kukday, Adv. for R.2.

At the request of learned P.O., S.O. **three weeks for reply.**

Member (J)

pdg

O.A. No.170/2016. (D.B.)

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

Dated : 31st August 2016.

None for the applicant. Smt. M.A. Barabde, learned P.O. for the respondent No. 1. Shri A.M. Kukday, Adv. for R.2.

At the request of learned P.O., S.O. **three weeks for reply.**

Member (J)

pdg

O.A. No.171/2016. (D.B.)

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

Dated : 31st August 2016.

None for the applicant. Smt. M.A. Barabde, learned P.O. for the respondent No. 1. Shri A.M. Kukday, Adv. for R.2.

At the request of learned P.O., S.O. **three weeks for reply.**

Member (J)

pdg

O.A. No.171/2016. (D.B.)

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

Dated : 31st August 2016.

None for the applicant. Smt. M.A. Barabde, learned P.O. for the respondent No. 1. Shri A.M. Kukday, Adv. for R.2.

At the request of learned P.O., S.O. **three weeks for reply.**

Member (J)

pdg

**O.A. No.54, 224, 226 & 227 of 2016.
(D.B.)**

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

Dated : 31st August 2016.

None for the applicant. Smt. M.A. Barabde, learned P.O. for the respondents.

At the request of learned P.O., S.O. **four weeks for reply.**

Member (J)

pdg

O.A. No.558/2016. (D.B.)

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

Dated : 31st August 2016.

Smt. M.P. Munshi, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

At the request of learned P.O., S.O. **three weeks for reply.**

Aspect of interim relief is kept open.

Member (J)

pdg

O.A. No.390/2009. (D.B.)

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

Dated : 31st August 2016.

None for the applicant. Shri A.M. Ghogre, learned P.O. for the respondents.

Stand over.

Member (J)

pdg

O.A. No.366/2009. (D.B.)

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

Dated : 31st August 2016.

None for the applicant. Shri A.M. Ghogre, learned P.O. for the respondents.

Stand over.

Member (J)

pdg

O.A. No.361/2009. (D.B.)

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

Dated : 31st August 2016.

None for the applicant. Shri A.M. Ghogre, learned P.O. for the respondents No.1. None for R. 2 to 6.

Stand over.

Member (J)

pdg

O.A. No.627/2007. (D.B.)

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

Dated : 31st August 2016.

Shri S.N. Gaikwad, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. for the respondents.

Stand over.

Member (J)

pdg

O.A. No.276 /2016.

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

Dated : 31st August 2016.

Shri S.N. Gaikwad, Adv. holding for
Shri Rathod, Id. counsel for the applicant.
Shri H.A. Pande, Id. P.O. for the respondent
No.1. None for R/2 and 3. **At the request of
Id. P.O., S.O. 4 weeks to file reply**

Member (J)

skt

O.A. No.709 /2015.

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

Dated : 31st August 2016.

None for the applicant. Shri S.N. Gaikwad, Id. counsel for R/2. Shri A.P. Potnis, learned P.O. for the respondents 1 & 3.

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

Member (J)

skt

O.A. No.154 /2016.

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

Dated : 31st August 2016.

None for the applicant. Smt. M.A. Barabde, learned P.O. for the respondents 1 & 3. None for R/4.

Ld. P.O. files reply of R/1 to 3. The same is taken on record. She undertakes to supply the copy of the same to the ld. counsel for the applicant.

S.O. 3 weeks.

Member (J)

skt

O.A. No.318 /2016.

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

Dated : 31st August 2016.

Shri S.S. Lade, Id. counsel for the applicant. Shri P.N. Warjurkar, learned P.O. for the respondents.

Ld. counsel for the applicant files a Pursis stating that he wants to withdraw the O.A. Hence the O.A. is disposed of as withdrawn.

Member (J)

skt

O.A. St No.1168 /2015.

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

Dated : 31st August 2016.

C.A. No.328/2015

None for the applicant. Shri S. Deo, Id. C.P.O. for the respondents.

All the applicants are Health Workers and claiming the same relief. Hence C.A. is allowed. It is made clear that no point other than the common interest will be allowed to be raised.

O.A.

Heard.

2. Issue notice to R-2 to 4, returnable after the respondents are served.

Learned C.P.O. waives notice for R-1.

Hamdast granted.

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.

S.O. Put up after service.

Member (J)

skt

O.A. No.578 /2015.

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

Dated : 31st August 2016.

C.A. No. 248/2016

Shri A. Deshpande, Id. counsel for the applicant. Smt. M.A. Barabde, Id. P.O. for the respondents 1 and 2. None for R/3.

At the request of Id. counsel for the applicant the C.A. is allowed to be withdrawn. Hence, the C.A. stands disposed of as withdrawn.

O.A.

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

Member (J)

skt

O.A. ST. No.1354 /2016.

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

Dated : 31st August 2016.

C.A. No.334/2016

Shri P.P. Khaparde, 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. 4 weeks to file reply.

Member (J)

skt

O.A. No.545 /2016.

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

Dated : 31st August 2016.

C.A. No.403/2016

Shri S.P. Palshikar, Id. counsel for the applicant. Shri M.I. Khan, learned P.O. for the respondents. None for the intervenor.

The Id. counsel for the applicant files Pursis dtd.29/8/2016 stating that the applicant wants to withdraw the O.A. with liberty to file a fresh on the ground that there are some technical flaws in the O.A. and it is time consuming procedure to decide the O.A. Consequently the applicant is allowed to withdraw the O.A. with liberty to file a fresh O.A. Hence O.A. as well as C.A. stand disposed of as withdrawn.

Member (J)

skt

O.A. No.701 /2015.

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

Dated : 31st August 2016.

Shri R.S. Thengre, Id. counsel for the applicant. Shri S. A. Sanis, learned P.O. for the respondents 1 to 5. He files reply of R/1 to 5. The same is taken on record and a copy

thereof is given to the Id. counsel for the applicant.

At the request of Id. counsel for the applicant, S.O. 3 weeks. The Id. counsel for the applicant has also to explain the delay.

Member (J)

skt

O.A. No.681 /2015.

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

Dated : 31st August 2016.

None for the applicant. Shri M.I. Khan, learned P.O. for the respondents 1 & 2. None for R/3 to 5.

Admit.

Ld. P.O. waives notice for R/1 and 2.

S.O. 4 weeks .

Member (J)

skt

O.A. No.1 /2016.

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

Dated : 31st August 2016.

Shri M.V. Mohokar, Id. counsel for the applicant. Shri S. Deo, Id. C P.O. for the respondents.

S.O. 2/9/2016.

Member (J)

skt

O.A. No.585 /2016.

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

Dated : 31st August 2016.

Heard Shri A.J. Kadoo, Id. counsel for the applicant.

Issue Notice before admission to R/2 returnable in **6 weeks**.

Shri S. Deo, Id. C.P.O. waives notice for R/1.

Hamdast granted.

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

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.

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 one week. Applicant is directed to file Affidavit of compliance and notice.

The applicant has challenged the order dtd. 31/5/2016 by which he is transferred from Ner to Mangrulpir. The Id. counsel for the applicant contended that the applicant is not yet relieved. The applicant is a physically handicapped person having 75% disability both legs amputated. The Id. counsel for the

applicant relies on the circular dtd.15/12/2004. He also contended that nobody is posted in place of the applicant at Ner. The applicant had opted for 4 places of his choice vide communication dtd. 23/4/2016 (Annex.A-5, page 24). Out of 4 places, one post at Kalamb is not filled in by the general transfer order and yet vacant. The applicant wants to make representation to his Department

to post him at Kalamb. The Id. counsel for the applicant submits that however it will require some time because the order is to be issued by the Govt. He further submits that if the order is given effect the applicant will put in trouble and hardship. Since nobody is posted in place of the applicant which is lying vacant, status-quo as on today may be granted. As such the Id. counsel for the applicant submits that the applicant will make representation within 2 days.

In the above state of affairs, the respondents to consider the representation of the applicant within a month from the date of receipt of the representation. The status-quo be maintained till next date.

S.O. 6 weeks.

Steno copy be supplied to the parties.

Member (J)

skt

O.A. No. 765/2015.

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

Dated : 31st August 2016.

Shri R.S. Khobragade, Adv. holding for Shri R.V. Shiralkar, Id. counsel for the applicant. Shri P.N. Warjurkar, 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. 747/2015.

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

Dated : 31st August 2016.

Shri M.R. Khan, Id. counsel for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

The Id. counsel for the applicant submits that he has received the copy of the reply to day only. At the request of Id. counsel for the applicant , **S.O. 4 weeks.**

Member (J)

O.A. No. 433/2014.

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

Dated : 31st August 2016.

Shri P.P. Khaparde, Adv. holding for Shri Bade, Id. counsel for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

The Id. counsel for the applicant submits that an identical matter is pending before the Supreme Court. Hence, **S.O. 8 weeks.**

Member (J)

O.A. No. 248/2016.

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

Dated : 31st August 2016.

C.A. Nos. 409 and 410/2016

Heard Shri N.B. Bargat, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents 1 to 3. None for R/4.

The applicant, Tahsildar has filed this O.A. challenging the transfer order dtd. 21/4/2016. The interim order was passed in favour of the applicant on 3/5/2016 that he will continue on the post if he is not relieved. However, he was relieved before passing of the order. The applicant was posted at the place of Shri Bhandare, who is already transferred and now Shri P. Ghorude is posted. As such he is the necessary party. The pleadings based thereon challenging the said order has also bearing to decide the matter. Hence both the C.As. are allowed. The applicant to make necessary amendment to the O.A. He undertakes to carry out the

amendment forthwith and supply the copy thereof to the Id. P.O. After the

amendment issue notice to the newly added respondent.

Hamdast granted.

S.O. 3 weeks.

Member (J)

skt

O.A. No. 385/2016.

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

Dated : 31st August 2016.

Heard Shri N.B. Bargat, Id. counsel for the applicant & Shri P.N. Warjurkar, Id. P.O. for the respondents.

During the course of arguments it is transpired that the applicant is an employee of Revenue Department but was transferred to Food and Supplies Department vide order dtd. 30/5/2015 which was issued directly from the Mantralaya. The Id. P.O. submits that the applicant's services are required in the parent Department and therefore she is transferred by the general transfer order and the impugned transfer order is a general transfer order. Parties want to clarify the position by filing some documents. The interim order was passed in favour of the applicant till filing of the reply. Thereafter it is not extended. Now, the Id. counsel for the applicant requested for extension of the same. He submits that the applicant is working on the same post, hence interim relief be extended.

I.R. is extended till next week.

Heard.

Admit.

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

S.O. Next week.

Member (J)

skt

O.A. No. 388/2016.

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

Dated : 31st August 2016.

Shri R.S. Khobragade, Id. counsel for
the applicant & Shri S. Deo, Id. C.P.O. for
the respondents.

S.O. 6/9/2016.

Member (J)

skt

O.A. No. 250/2016.

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

Dated : 31st August 2016.

C.A. No.272/2016

Heard Shri S.C. Deshmukh, Id. counsel for the applicant & Shri P.N. Warjurkar, Id. P.O. for the respondents.

The applicant, the Administrative Officer working in the office of Asstt. Director, Ayurved, Nagpur has filed the O.A. seeking directions to supply the documents to enable him to join in the newly appointed post as a Dy. District Vocational and Training Officer, Aurangabad. The aspect of interim relief for extension of time was kept open and the reply of the respondents was called. On the last date, i.e., 29/8/2016 the Id. P.O. had sought time expecting some correspondence from the respondents. The matter was posted today and listed at Sr. No. 1 on the board.

When the matter was called out the Id. P.O. had sought time to file the communication to be from the Department. Now, at 3 p.m. the Id. P.O. has produced the communication

dtd.31/8/2016 granting permission to relieve the applicant.

The Id. counsel for the applicant submits that vide order dtd. 20/8/2016 issued by R/5, the Secretary, Skill Development and Entrepreneurship Department, Mantralaya, Mumbai the

applicant has to join at the new post within a month and the period was extended up to 31/8/2016 with stipulation in the communication that no time will be extended to join.

The Id. counsel for the applicant had prayed for interim relief for extension of time on 29/8/2016. As some communication was expected the matter was posted today. Now as the communication is received at 3 p.m. it is not possible for the applicant to join at Aurangabad today. In the above state of affairs, the time to join new post is extended till 7th September, 2016. The applicant to join on or before 7/9/2016.

O.A.

Shri S.C. Deshmukh, Id. counsel for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

Steno copy be supplied to the parties.

Member (J)

O.A. No.412/2015.

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

Dated : 31st August 2016.

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for the respondent 1 .

R/2 and 3 are not served though Hamdast is collected on 29/6/2016, With a view to afford one more opportunity, S.O. 3

weeks. It is made clear that if none appeared on the next on behalf of R/2 and 3 and no steps are taken to serve them, the O.A. will be dismissed .

S.O. 3 weeks for dismissal.

Member (J)

skt

O.A. No.402 /2016.

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

Dated : 31st August 2016.

Adv. R. Singh, holding for Shri A. Mardiakr, Id. counsel for the applicant. Shri A.P. Potnis, learned 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.540 /2016.

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

Dated : 31st August 2016.

Shri C.A. Joshi, Id. counsel for the applicant. Shri S. Khadatkar, learned 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.138 /2016.

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

Dated : 31st August 2016.

Heard Shri Rajgure, Id. counsel for the applicant, Shri S.P. Palshikar, Id. counsel for R/1,2 and 4 and Shri S.A. Sanis, Id. P.O. for the respondent No.3.

S.O. 1/9/2016 at 3 p.m..

Member (J)

skt

O.A. No.586 /2016.

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

Dated : 1st September, 2016.

Heard Shri Halade, Adv. holding for Shri A. Deshpande, Id. counsel for the applicant.

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

Shri S. Deo, Id. C.P.O. waives notice for R/1.

Hamdast granted.

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

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.

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 one week. Applicant is directed to file Affidavit of compliance and notice.

The applicant, Naib Tahsildar has challenged the order dtd. 20/8/2016 (Annexure-A-6, page 29) by which he is transferred from Pusad to Talhara. According to him, the order is not only a mid-term and mid tenure but issued just before the applicant has completed 2 months at the new posting.

The Id. P.O. submits that the order is issued in compliance of the provisions of Section 4 (4)(5) of the Maharashtra Govt. Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 which is obvious from the order itself so also the administrative exigency is reflected therein as the newly recruited Naib Tahsildars are to be given independent posting which is part and particle of their training programme. He also submits that in all 7 officers were to be posted din Yavatmal Distt. But there is no vacancy and therefore one trainee is transferred to Telhara and the applicant is transferred. Not only that the order is only for the period of 22 weeks.

The Id. P.O. submits that now the Revenue Commissioner is the competent authority to issue the transfer orders and post the Naib Tahsildar within the Division when there is a change in the Distt. So also now he is delegated with the power and the next higher competent authority to grant approval

in the cases of mid-term and mid tenure transfers vide G.R. dtd. 23/6/2016. (Anne/A-7, Page, 33). He is also the Chairman of the Civil Services Board.

The Id. counsel for the applicant submits that despite of this as per provisions in para II B (ii) of the G.R. dtd. 23/6/2016 the Commissioner ought to have placed the matter before the Civil Services Board. The reason of transfer of the applicant is also reflected in the order. Since the Revenue Commissioner is appearing in all the capacity . Now he has construed the case from all aspects. It is not the case of the applicant that the order is tainted with malice to the applicant or favour to anybody. However, from the facts it is manifest that it is sheer administrative exigency. No post in the Yavatmal Distt. Are available to accommodate a newly recruited Naib Tahsildar and to post him independent which is a training part and to comply that order the Revenue Commissioner has made the changes. Thus, the official exigency is there and no other alternative way is available to the Revenue Commissioner to pass the order. Under such circumstances, the stipulation in the G.R. does not assume much significance particularly when it is a settled position in the provisions in the G.R. dtd. – do not confer any right to the employee which can be enforced in the

court of law. Thus, the procedural aspect has become an empty formality . When everything in the form of documents on record and the act of the Revenue Commissioner cannot be seen with suspicious eye and even there are no such averments , it will not be proper to - in the whims of the administration on such a technical ground when there is compliance of the legal provisions of in all respects.

As such no prima facie case is made out to grant interim relief at this stage.

S.O. after service.

Member (J)

skt

