

O.A. No.799/2011.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)**

Dated : 4th June 2019.

C.A. 312/2016.

Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 to 3. None for R.4.

At the request of the Ld. counsel for the applicant , S.O. **26th June 2019.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.451 /2015.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)

Dated : 4th June 2019.

C.A. 114/2019.

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

S.O. **next week.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.195/2018.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)**

Dated : 4th June 2019.

M.C.A. 47/2019.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The Ld. P.O. seeks one month's time. As per his request in para 2 of MCA No.47/2019, one month's time is granted from the date of this order. MCA stands disposed of.

O.A. No.195/2018.

Matter be listed on **29th June 2019.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.320 of 2018

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)
Dated : 4th June 2019.**

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

Notice has not been collected.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.321 of 2018

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)
Dated : 4th June 2019.**

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

Notice has not been collected.

The Ld. P.O. has filed reply of R.3, it is taken on record.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.322 of 2018

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)
Dated : 4th June 2019.**

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

Notice has not been collected.

The Ld. P.O. has filed reply of R.3, it is taken on record.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.323 of 2018

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)
Dated : 4th June 2019.**

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

Notice has not been collected.

The Ld. P.O. has filed reply of R.3, it is taken on record.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.324 of 2018

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)
Dated : 4th June 2019.**

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

Notice has not been collected.

The Ld. P.O. has filed reply of R.3, it is taken on record.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.764 of 2018

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)
Dated : 4th June 2019.**

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

Notice has not been collected.

The Ld. P.O. is yet to file reply.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No. /2019.

(D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)

Dated : 4th June 2019.

Heard Shri A.D. Girdekar, the Ld. counsel for the applicant and Shri , the learned P.O. for the respondents.

S.O.

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.248/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)
Dated : 4th June 2019.**

Heard Shri, the Ld. counsel for the applicant and Shri , the learned P.O. for the respondents.

S.O.

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.26/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)**

Dated : 4th June 2019.

C.A. 176/2019.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. The Ld. counsel for the applicant has relied on the judgment of the Central Administrative Tribunal, Mumbai in Misc. Petition No.232/2009 delivered on 1.5.2009. Copy of said judgment is taken on record and its copy is supplied to the Ld. P.O. In the said judgment, in para Nos. 7 to 9, details have been explained. This Tribunal has also passed the judgment dt. 30.4.2019. In para No.5, following observations have been made:-

“In view of the above facts, respondents are directed to give additional charge after 31.5.2019, as per the seniority list maintained by them and

seniormost person in the seniority list should be given additional charge till finalization of provisional seniority list.”

3. However today, the Ld. counsel for the applicant points out that till today post is kept vacant As no one has been given additional charge, we fail to understand that why responsible post has been kept vacant without giving additional charge to any responsible officer as per the seniority.

4. The Ld. P.O. has filed letter dated 4.6.2019 which says that the Govt. has moved the file to the Law and Judiciary Department for challenging order dated 30.4.2019 in the Hon'ble High Court. However, till that time nothing prevents for giving additional charge as per seniority list.

5. Order dated 30.4.2019 is very much specific. The respondents are aware what would be the consequence of not obeying the order and in that contingency the applicant is at liberty to follow the procedure for contempt.

6. S.O. 7th June 2019.

7. Steno copies be provided to both sides.

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.142 /2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)**

Dated : 4th June 2019.

Heard Shri A.P. Tathod, Adv. holding for Shri A.D. Girdekar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

At the request of both parties, S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.248/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)

Dated : 4th June 2019.

None for the applicant. Shri A.P.
Potnis, the learned P.O. for the respondent
No.1.

Await service to R.2.

S.O. **four weeks.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.960/2018.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)**

Dated : 4th June 2019.

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

At the request of the Ld. counsel for
the applicant , S.O. **6th June 2019.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.26/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)**

Dated : 4th June 2019.

C.A. 176/2019.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. The Ld. counsel for the applicant has relied on the judgment of the Central Administrative Tribunal, Mumbai in Misc. Petition No.232/2009 delivered on 1.5.2009. Copy of said judgment is taken on record and its copy is supplied to the Ld. P.O. In the said judgment, in para Nos. 7 to 9, details have been explained. This Tribunal has also passed the judgment dt. 30.4.2019. In para No.5, following observations have been made:-

“In view of the above facts, respondents are directed to give additional charge after 31.5.2019, as per the seniority list maintained by them and

seniormost person in the seniority list should be given additional charge till finalization of provisional seniority list.”

3. However today, the Ld. counsel for the applicant points out that till today post is kept vacant As no one has been given additional charge, we fail to understand that why responsible post has been kept vacant without giving additional charge to any responsible officer as per the seniority.

4. The Ld. P.O. has filed letter dated 4.6.2019 which appears that the Govt. has moved the file to the Law and Judiciary Department for going in appeal to the Hon'ble High Court. However, till that time nothing prevents for giving additional charge as per seniority list.

5. Order dated 30.4.2019 is very much specific. The respondents are aware what would be the consequence to obey the order and in that contingency the applicant is at liberty to follow the procedure for contempt.

6. S.O. **7th June 2019.**

7. Steno copies be provided to both sides.

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.278/2012.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)**

Dated : 4th June 2019.

Shri G.G. Bade, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant , S.O. **26th June 2019.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.341/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)**

Dated : 4th June 2019.

Shri G.G. Bade, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The Ld. counsel for the applicant submits that all the respondents are served.

Ld. P.O. seeks time to file reply.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.342/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)**

Dated : 4th June 2019.

Shri G.G. Bade, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The Ld. counsel for the applicant submits that all the respondents are served.

Ld. P.O. seeks time to file reply.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No.343/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member (J)**

Dated : 4th June 2019.

Shri P.A. Kadu, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. counsel for the applicant submits relied upon letter dated 17.4.2012 (A.6, P.27) in which it has been mentioned about the policy decision of the Government. However, the Ld. P.O. is directed to take instructions from the Government.

S.O. 24th June 2019.

Member (J)

Vice-Chairman

Dt. 4.6.2019.

pdg.

O.A. No. 292/18 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Shri S.P. Palshikar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
26/06/2019.

Member (J)

dnk.

O.A. No. 73/2017 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Shri G.G. Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 4. None for R-5.

At the request of Id. P.O., **S.O.**
26/06/2019.

Member (J)

dnk.

O.A. No. 499/2017 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

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

At the request of Id. counsel for the applicant, **S.O. 26/06/2019.**

Member (J)

dnk.

O.A. No. 360/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Shri G.G. Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 604/2017 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

C.A.287/2019

Shri D.R. Karnik, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
07/06/2019.

Member (J)

dnk.

O.A. No. 626/2018 **(SB)**

Coram : Hon. Shri A.D. Karanjkar,
Member (J).

Dated : 04.06.2019

Heard Shri Vishal Anand, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

Heard. Admit.

The learned P.O. waives notice for the respondents.

In the meantime, the applicant is at liberty to file rejoinder.

S.O. in due course.

Member (J)

dnk.

O.A. No. 818/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3.

The learned P.O. files reply on behalf of R-1&2. It is taken on record. Copy is served on the applicant.

Heard. Admit.

The learned P.O. waives notice for R-1&2.

S.O. in due course.

Member (J)

dnk.

O.A. No. 883/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

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

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

Member (J)

dnk.

O.A. No. 164/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Heard Shri N.S. Warulkar, Id. counsel
for the applicant and Shri A.M. Khadatkar,
Id. P.O. for R-1. None for R-2&3.

The learned P.O. files reply on behalf of R-1. It is taken on record. Copy is served on the applicant.

Heard. Admit.

The Id. P.O. waives notice for R-1.

S.O. 27/06/2019.

Member (J)

dnk.

O.A. No. 374/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Heard Shri S.M. Bhagde, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The transfer order dated 28/05/2019 is mainly attacked on the ground that the applicant was not due for transfer and

second ground is that the applicant was working in naxalite area and again after transferring the applicant from Desaiganj, District Gadchiroli, he is transferred to Bhamrararh, District Gadchiroli. It is submitted that the impugned order is in violation of the Government G.R. dated 06/08/2002. As per Clause 5 the Government servant who has completed 50 years of age should not be posted in naxalite area, unless there are some exceptional circumstances.

3. The learned counsel for the applicant submitted that till today the applicant is not relieved from the post. He is working at Desaiganj. Under these circumstances, the respondents are directed not to relieve the applicant from Desaiganj till further orders.

4. In the meantime, issue notice to R-2 to 4, returnable **after two weeks**. Learned 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.

S.O. after two weeks.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 375/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Heard Shri A.P. Tathod, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. It is submitted that the applicant is posted since 11/07/2016 at Amravati and before completion of normal tenure of three years the applicant is abruptly transferred to Kolhapur vide order dated 31/05/2019. It is submitted that the order is in violation of the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 and therefore direction be given to the respondents not to relieve the applicant till final decision. As the applicant is not relived and as she has not completed normal tenure of three years, therefore, the

respondents are directed not to relieve the applicant till further orders.

3. In the meantime, issue notice to R-2 to 4, returnable **after two weeks**. Learned 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.

S.O. after two weeks.

Member (J)

dnk.

O.A. No. 376/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Heard Shri J.H. Jumde, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. Perused the impugned order of transfer. It is contended that during violation of Government G.R. dated 09/04/2018, I do not see any merit in the contention because the G.R. is directory, it is not mandatory and so far as possible the person can be posted as per his option place. In Government service it is not possible for the Government to post every Government servant as per his choice. By the impugned order three persons are transferred, therefore, at this stage if any interim relief is granted it will shunt the entire order. Under these circumstances, the applicant to resume his posting as per the transfer order. In the meantime this Tribunal will examine legality of the order.

3. Issue notice to R-2 to 6, returnable **after two weeks**. Learned 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.

S.O. after two weeks.

Member (J)

dnk.

O.A. No. 747/2015 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

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

The applicant and his counsel are absent.

Hence the O.A. stands dismissed in default. No order as to costs.

Lateron –

Shri M.R. Khan, Id. counsel appeared at 3.25 p.m. and requested to restore the matter as he was unable to appear as he was busy before the Hon'ble High Court. The learned counsel for the applicant also shown his readiness to argue the matter. In the interest of justice, the matter be restored to file. It be kept on 07/07/2019.

S.O. 07/07/2019.

Member (J)

dnk.

O.A. Nos. 900 & 901 of 2017 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Heard Shri Bharat Kulkarni, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for R-2&3. None for respondent no.1.

Closed for orders.

Member (J)

dnk.

O.A. No. 06/18 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Shri S. Diwedi, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 378/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Heard Shri N.S. Autkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. It is contention of the applicant that though the request was made by him for his retention without considering it, he is transferred. It is submitted that the applicant is not yet relieved and it will create family problems for the applicant. It is submitted that the wife of the applicant is undergoing medical treatment, his son is taking education at Arvi and therefore direction be issued to the respondents not to relieve the applicant.

3. I have perused the representation dated 30/01/2019. It appears that what was

nature of the illness of the wife of the applicant is not mentioned, so also it is nowhere mentioned what education applicant's son was taking at Arvi. Though medical certificate is filed it is not mentioned in the medical certificate that wife of the applicant is in need of medical treatment at the hands of Dr. Rane. The applicant was due for transfer, therefore, prima facie there is no violation of any statutory provisions of law is that the government servant was to pay respect to the transfer order and resume the duty. In the present matter also as no exceptional case is made out for granting interim relief, the applicant may resume his duty at Ashti without prejudice to this application. In the meantime, the applicant is permitted to make detailed representation to the Transferring Authority.

3. Issue notice to R-2&3, returnable **in three weeks**. Learned 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.

S.O. three weeks.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 379/2019 (SB)

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 04.06.2019

Heard Shri N.S. Autkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. It is contention of the applicant that her husband is at present posted at Arvi Range and her son is taking education at Ashti and therefore she made request for her retention. The provisions of the G.R. for unification of the husband and wife on transfer is directory, it is not mandatory. Under these circumstances, the applicant is at liberty to make detailed representation to the Competent Authority and till then she may resume the duty at transfer station without prejudice to the application.

3. Issue notice to R-2&3, returnable **after three weeks**. Learned 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.

S.O. three weeks.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 380/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. It is grievance of the applicant that the department did not comply the provisions of the G.R. and list of the vacant stations was not published. Secondly, the 10 options were given by the applicant, but the options were not placed before the Civil Services Board and impugned transfer order

is issued. It is submitted that as per the Circular issued by the Forest Department only on completion of two tenures, posting can be given to the Wild Life Forest. In the above circumstances, the applicant made representation to the Transferring Authority and the Range Forest Officer who is her Controlling Authority recommended to consider representation of the applicant. Under these circumstances the respondent no.3, the Transferring Authority is directed to decide the representation of the applicant within a period of 30 days from the date of this order. In the meantime, the applicant may resume duty at transfer station without prejudice to this application.

3. Issue notice to R-2 to 4, returnable **three weeks**. Learned 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.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 381/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 04.06.2019

Heard Shri D.M. Kakani, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. It is grievance of the applicant that vide order dated 31/05/2017 he was transferred from Amravati to Raigad. Thereafter vide order dated 16/08/2017 the applicant was transferred from Raigad to Washim and at present the applicant is working there. It is submitted that the applicant was not due for transfer and in spite of it the applicant is transferred from Washim to Sindhudurg. It is submission of the applicant that the impugned order of transfer is in violation of the provisions under Section 4 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, because there was no administrative exigency for the mid term transfer. It is further contended that the Transferring Authority did not act place the

matter before this Higher Authority for the approval and therefore there is apparent illegality in the transfer order. In view of this, the respondents are directed not to relieve the applicant till further orders.

3. Issue notice to R-2 and 3, returnable **after three weeks**. Learned 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.

S.O. after three weeks.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 382/2019 **(SB)**

Coram : Hon. Shri A.D. Karanjkar,
Member (J).

Dated : **04.06.2019**

Heard Shri G.R. Sadar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. Since 2013 the applicant is working at Amravati as Legal Advisor. Policy decision was taken by the Department that on completion of six years of service at one station only 30% Legal Advisors be transferred. On 03/04/2019 one list was published by the Deputy Commissioner (Administration), Woman and Child Development, Commissionerate (M.S.), Pune. In this list the name of the Legal Advisors who were due for transfer were mentioned, the applicant's name was not mentioned in the list.

3. Thereafter the Deputy Commissioner (Administration) again published second list on 10/05/2019. In this list also the applicant was not included. Thus it seems that the applicant was under impression that he was not due for transfer as per the policy framed by the Department and therefore he did not submit any option for choice posting. It is grievance of the applicant that all of a sudden vide order dated 27/05/2019 the applicant was transferred from Amravati to Parbhani and this has caused him grave prejudice. It is submission of the applicant that his elder son is taking education in 12th Standard and he has paid large amount for

his admission and his younger son is also taking education at Achalpur. Thus it is shown that the applicant is surprised he was kept in dark and he was allowed to proceed under belief that he was not due for transfer and considering this fact, in my opinion this is a fit case to grant interim relief. The respondents are directed not to relieve the applicant from his posting Amravati till further orders.

4. Issue notice to R-2 to 4, returnable **after three weeks**. Learned 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.

S.O. after three weeks.

Steno copy is granted.

Member (J)

dnk.

O.A.No.177/2019 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated : 04th June 2019.

Heard Shri S.K.Hatwar holding for Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. seeks three weeks time to file reply. At his request, **S.O. three weeks.**

Vice Chairman

Date:-04/06/2019.
aps.

O.A.No.160/2019 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated : 04th June 2019.

Heard Shri S.M.Pande, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the State and Smt. J.J.Alkari, the Id. Counsel for the respondent nos. 2 to 6.

2. The Id. Counsel for the respondent nos. 2 to 6 seeks time to file reply. However, the Id. Counsel for the applicant pointed out that applicant was appointed on compassionate ground vide order dated 01/12/2016 (Annexure-A-4) as Junior Clerk-Cum-Typist in the office of Superintending Engineer, Goshikhurd, Irrigation Department. However, applicant was terminated vide order dated 02/03/2019 (Annexure-A-1), P.B., Pg. No. 13.

3. In view of this, since the case is of appointment on compassionate ground, the Id. P.O. as well as Id. Counsel for the respondent nos. 2 to 6 must file reply within three weeks. **S.O. three weeks.**

Vice Chairman

Date:-04/06/2019.

aps.

O.A.No.05/2019 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated : 04th June 2019.

Heard Shri G.M.Shinde holding for Shri S.M.Vaishnav, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The Id. P.O. seeks further three weeks time to file reply, **S.O. three weeks.**

Vice Chairman

Date:-04/06/2019.
aps.

O.A.No.147/2018 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated : 04th June 2019.

Heard Shri S.K.Hatwar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The Id. Counsel for the applicant has already filed counter affidavit and he further submits that, that should be treated as Rejoinder. The Id. P.O. will study the same matter and matter be kept on 11/06/2019.

3. **S.O. 11.06.2019.**

Vice Chairman

Date:-04/06/2019.
aps.

O.A.No.38/2018 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated : 04th June 2019.

Heard Shri G.M.Shitut, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the Respondents.

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

Vice Chairman

Date:-04/06/2019.
aps.