

O.A. 553/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri A. Motlag, Id. Counsel holding for
Shri S.P. Palshikar, Id. Counsel for the applicant
and Shri A.M. Khadatkar, Id. P.O. for the
respondents.

At the request of Id. Counsel for the
applicants, **S.O. 13/04/2023.**

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 699/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri Sunil Pande, Id. Counsel holding for
Shri N.D. Thombre, Id. Counsel for the applicant
and Shri A.M. Khadatkar, Id. P.O. for the
respondents.

At the request of Id. Counsel for the
applicants, **S.O. 18/04/2023.**

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 572/2020 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

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

2. The learned counsel for the applicant has filed pursis dated 28/03/2023 mentioning that the applicant wants to withdraw the O.A. with liberty to file fresh O.A.

3. As per pursis dated 28/03/2023, the applicant is permitted to withdraw the O.A.

4. In view of above, the O.A. is disposed of as withdrawn with liberty to file fresh O.A.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

C.A. 158/2021 in O.A.St. 915/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

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

At the request of Id. P.O., **S.O. Next
week.**

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 206/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri R.V. Shiralkar, Id. Counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and Shri S.A. Sahu, Id. counsel for R-4.

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

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 1052/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 03/04/2023.

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

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. 1202/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri V.K. Paliwal, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

3. As per submission of learned counsel for the applicant, on the earlier date, last chance was granted to file reply. Today also Id. P.O. seeks time to file reply.

4. The matter is admitted and kept for final hearing. The learned P.O. waives notice for respondents.

5. In the meantime, the respondents may file reply.

S.O. after three weeks.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 1206/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri Bharat Kulkarni, Id. counsel holding for Shri R.D. Hajare, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 5.

3. The learned counsel for the applicant submits that the respondents are served and he will file service affidavit before the next date.

S.O. 11/04/2023.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 150/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

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

3. It appears that the matter pertains to Single Bench.

4. Hence, put up the matter before Single Bench.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 627/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

C.A. 66/2023 -

Heard Shri V.A. Kothale, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. for R-1 to 3. None for R-4&5.

2. As per submission of learned counsel for applicants, during the pendency of this O.A., junior to the applicants Shri Rajesh Ajabrao Padole is promoted, therefore, he wants to add Shri Rajesh Ajabrao Padole as respondent no.6.

3. Looking to the submission, C.A. for amendment is allowed and disposed off. Necessary amendment be carried out before the next date.

O.A. 672/2022 –

Heard Shri V.A. Kothale, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. for R-1 to 3. None for R-4&5.

2. After amendment, issue notice to newly added respondent no.6 returnable **after four weeks**. 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. Applicants are 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. Applicants are 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.

S.O. after four weeks.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

C.P. 12/2023 in O.A. 656/2010 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri B. Kulkarni, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. The learned P.O. submits that promotion is granted to the applicant. He wants to take further instructions in respect of other benefits and for that purpose he seeks time.

S.O. after two weeks.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.As. 25,26,27 and 28 of 2023 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

COMMON ORDER

Heard Shri K. Agrawal, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. for respondent nos.1 to 3. Await service of respondent no.4.

2. In all these O.As., the applicants had complied the advertisement dated 30/11/2019 (Annex-A-1,P-44 to 60). As per the submission of learned counsel for the applicants, as per Clause no.11.10 of the advertisement dated 30/11/2019, that the candidate may file application for three posts, but they shall not file more than one application for the said posts in the same Unit. Some of the candidates filed more than one applications. They have filed application for the posts, for example, Police Constable (Driver) at Bhandara and also at Aurangabad. There were many cases filed before the Tribunal. The candidates, who have committed breach of Clause 11.10 of the advertisement dated 30/11/2019, were not considered for the interview. Therefore, they approached to this Tribunal. The Division Bench of this Tribunal granted relief to them directing the respondent authority to allow them in the further process of interview.

3. Thereafter, some bunch of Petitions was filed before the M.A.T., Principal Bench, Mumbai. Relying on the Judgment of Division Bench of this Tribunal, same direction was given to the respondents / appointing authority. Some Petitions were filed before the M.A.T., Bench at Aurangabad. The M.A.T., Bench at Aurangabad observed that those who have committed breach, are not entitled for protection but because of the judicial propriety the M.A.T., Bench at Aurangabad also granted the same relief. The Aggrieved candidates like these applicants approached to the M.A.T., Principal Bench, Mumbai. The M.A.T., Principal Bench, Mumbai recalled the order passed in favour of the applicants who had committed breach of clause no.11.10 of the advertisement dated 30/11/2019.

4. Thereafter, the Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai referred the matter to the Full Bench for deciding the issue. The Full Bench, M.A.T., Mumbai on 17/03/2023 delivered the Judgment holding that in view of the Judgment of **K.G. Ashok & Others Vs. Kerala Public Service Commission and others**, the candidates who have committed the breach of the advertisement, are not entitled for protection. The Full Bench, M.A.T. , Mumbai has held as under. The operative portion of the order is as follows –

“(i) Original Application Nos. 144, 145, 146, 167, 203, 300, 301 and 321 all of 2022 are dismissed. Consequently the appointments issued in favour of the applicants in aforesaid applications on the basis of the common order earlier passed in these O.As. on 11.4.2022 stand set aside.

(ii) Show cause notices impugned in O.A. Nos. 775, 776, 777, 778, 779, 793 & 796 all of 2022 are quashed and set aside.

(iii) The circulars/orders dated 6.5.2022 and 22.7.2022 issued by the Additional Director General of Police (Training & Special Unit) shall stand quashed and set aside in view the dismissal of Original Applications in Group-I.

(iv) The Commissioner of Police and the District Superintendent of Police, as the case may be, of the respective Units shall revise/prepare afresh the select list of the candidates to be appointed as Police Constable Drivers, which shall contain the names of only such candidates, who had applied for the said post in only one Unit as per clause 11.10 of the advertisement dated 30.11.2019, in order of merit and category-wise and issue appointment orders to such candidates in order of merit and category-wise. This exercise shall be completed within 3 weeks from the date of this order. The Secretary, Home Department, shall ensure the compliance.

(v) O.A. Nos. 775, 776, 777, 778, 779, 790, 791, 793, 796 and 830 ALL OF 2022 are allowed in the aforesaid terms.

(vi) There shall be no order as to costs.”

5. In view of the Judgment of the Full Bench, M.A.T., Mumbai Bench in COMMON JUDGMENT IN O.A. NOS. 144, 145, 146, 167, 203, 300, 301, 321, 775, 776, 777, 778, 779, 790, 791, 793, 796 AND 830 ALL OF 2022, decided on 17/03/2023, the present O.As. are

disposed of with direction to the respondents to follow the directions given by the Full Bench, M.A.T., Mumbai Bench in the above cited O.As.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. 51/2023 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri A. Motlag, Id. counsel holding for
Shri S.P. Palshikar, Id. counsel for the applicant
and Shri A.M. Ghogre, Id. P.O. for the
respondents.

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

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 83/2023 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri Bharat Kulkarni, Id. counsel holding for Shri R.D. Hajare, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 and 3.

3. The learned counsel for the applicant submits that the respondents are served and he will file service affidavit before the next date.

S.O. 11/04/2023.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 178/2023 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 4.

3. The learned counsel for the applicant submits that the respondents are served and he has filed service affidavit.

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

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 187/2023 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 03/04/2023.

S.W. Deshpande, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

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

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. 190/2023 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

A. Telange, Id. counsel for applicant and
Shri A.M. Khadatkar, Id. P.O. for R-1.

Await service of R-2 to 10.

S.O. four weeks for filing service
affidavit.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 197/2023 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

R. Gangare, Id. counsel for applicant and
Shri A.M. Khadatkar, Id. P.O. for respondents.

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

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 236/2023 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 4.

3. The learned counsel for the applicant submits that the respondents are served and he will file service affidavit during the course of day.

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

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 566/2013 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri G.G. Bade, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for R-1 to 5. None for other respondents.

2. The learned counsel for applicants submits that he will get instructions from his client and therefore seeks time.

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

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 752/2016 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

2. The learned counsel for applicants submits that he will get instructions from his client and therefore seeks time.

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

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 217/2017 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 03/04/2023.

None for the applicants. Shri V.A.
Kulkarni, Id. P.O. for the respondents.

S.O. after four weeks.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.As. 611/17 & 721/18 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 03/04/2023.

None for the applicants. Shri A.M.
Khadatkar, Id. P.O. for the respondents.

S.O. after four weeks.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. 103/2018 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri S.D. Malke, Id. counsel for the applicants, Shri A.M. Ghogre, Id. P.O. for R-1 to 4 and Shri Aditya Joshi, Id. counsel holding for Shri S.S. Ghate, Id. counsel for R-5.

S.O. 20/04/2023.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 526/2018 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 03/04/2023.

Shri B. Dafle, Id. counsel for the
applicant and Shri A.M. Ghogre, Id. P.O. for
R-1&3. None for R-2.

At the request of Id. P.O., **S.O.**
17/04/2023.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.A. 959/2020 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 03/04/2023.

Shri Awode, Id. counsel for the
applicant and Shri A.M. Ghogre, Id. P.O. for
respondents.

At the request of Id. P.O., **S.O.**
18/04/2023.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.As. 817 & 1050 of 2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated : 03/04/2023.

Shri B.G. Kulkarni, Id. counsel for the
applicants and Shri S.A. Deo, Id. CPO for the
respondents.

S.O. 11/04/2023.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

dnk.

O.As. 143 & 144 of 2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri Dafle, Id. counsel holding for Shri
Shri P.B. Patil, Id. counsel for the applicants and
Shri A.M. Ghogre, Id. P.O. for the respondents.

S.O. 20/04/2023.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

O.A. 280 of 2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated : 03/04/2023.

Shri Dafle, Id. counsel holding for Shri
Shri P.B. Patil, Id. counsel for the applicant and
Shri A.M. Ghogre, Id. P.O. for the respondents.

S.O. 20/04/2023.

**(Justice M.G. Giratkar)
Vice-Chairman**

**(Shree Bhagwan)
Vice- Chairman**

dnk.

**

O.A.308/2023 (S.B.)

**Coram : Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman.**

Dated : 03/04/2023.

None for the applicant. Heard Shri S.A.Deo,
ld. C.P.O. for the State.

2. Issue notice to the respondents, returnable **four weeks**. Learned C.P.O. waives notice for State. 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. four weeks.**

Vice Chairman

rsm.

O.A.309/2023 (S.B.)

**Coram : Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman.**

Dated : 03/04/2023.

None for the applicant. Heard Shri S.A.Deo,
ld. C.P.O. for the State.

2. Issue notice to the respondents, returnable **four weeks**. Learned C.P.O. waives notice for State. 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. four weeks.**

Vice Chairman

rsm.

O.A.261/2023 (S.B.)

**Coram : Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman.**

Dated : 03/04/2023.

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

2. Learned counsel for the applicant pointed out the order passed by this Tribunal on 14.03.2023. Thereafter, as per his submission backdated order was passed on 13.03.2023, by which posting of the applicant is stayed by the Government.

3. Respondent no.1 transferred the Applicant from Commissioner Office Nagpur to Tahsil Hingna, Tahsildar. It is pertinent to note that respondent no.1 has stayed the order dated 09.03.2023, on 13.03.2023. The copy of this order was handed over to the respondent no.3 on 15.03.2023.

4. Learned P.O. Shri V.A.Kulkarni, seeks time to file reply. It is pertinent to note that specific order was passed by this Tribunal on 14.03.2023. On that day, order dated 13.03.2023 was not pointed out by respondents / P.O. Moreover, the Transferring Authority has not mentioned any reason in the order dated 13.03.2023 for staying the transfer order dated 09.03.2023. Then it is

duty of the Transferring Authority to allow the applicant to join at the place of transfer.

5. Learned counsel submitted that the applicant is already relieved from Commissioner Office Nagpur by Government itself. Hence, the respondents are directed to comply the order dated 14.03.2023 passed by this Tribunal.

6. **S.O.10.04.2023.**

7. **Steno copy is granted.**

Vice Chairman

rsm.