

O.A.No.1022/2019 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

C.A.No.74/2020:-

Heard Shri Ramteke holding for Shri L.Y.Nandeshwar, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. after summer vacation.**

Member (J)

Date:- 21/04/2023.
aps.

O.A.No.244/2020 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

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

2. **S.O. after summer vacation.**

Date:- 21/04/2023.
aps.

Member (J)

O.A.No.42/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

Heard Shri S.A.Marathe, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. Ld. P.O. has filed reply on behalf of the respondent nos. 4 & 5. It is taken on record. Copy is served to the other side.

3. Ld. P.O. seeks further time to file reply on behalf of the respondent no. 2.

4. **S.O. 02nd week of June, 2023.**

Member (J)

Date:- 21/04/2023.
aps.

O.A.Nos.443,444&445/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

Heard Shri P.P.Khaparde, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 02nd Week of June, 2023 for reply.**

Date:- 21/04/2023.
aps.

Member (J)

O.A.No.808/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

Heard Shri S.D.Shukla, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the State. Await service of R-2 to 5.

2. Ld. Counsel for the applicant states that today he is filling service affidavit. Ld. P.O. seeks time to file reply, **S.O. 03rd Week of June, 2023.**

Date:- 21/04/2023.
aps.

Member (J)

O.A.No.1204/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

Heard Shri S.Pande, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents. None for the R-2.

2. On oral request of ld. P.O., **S.O. 03rd Week of June, 2023 for reply.**

Date:- 21/04/2023.
aps.

Member (J)

M.C.A.No.17/2023inO.A.No.79/2021 (S.B.)

**Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.**

Heard Shri A.M.Ghogre, ld. P.O. for the original respondents and Smt. Saboo, ld. counsel for the original applicant.

2. The time frame for compliance is extended by two months from today, **M.C.A. is disposed of.**

Date:- 21/04/2023.
aps.

Member (J)

O.A.No.107/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

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

2. On oral request of Id. P.O., **S.O. 03rd Week of
June, 2023 for reply.**

Date:- 21/04/2023.
aps.

Member (J)

O.A.No.792/2016 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

None for the applicant. Shri H.K.Pande, ld.
P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 07.06.2023.**

3. Ld. P.O. further submits that he will intimate
to the ld. Counsel for the applicant about the above
same.

Date:- 21/04/2023.
aps.

Member (J)

O.A.No.221/2017 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

None for the applicant. Shri V.A.Kulkarni, ld.
P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 02nd Week of
June, 2023.**

Date:- 21/04/2023.
aps.

Member (J)

O.A.No.621/2017 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

Heard Shri V.G.Bawangarh holding for Shri S.M.Khan, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

2. On oral request of Id. Counsel for the applicant, **S.O. 28.04.2023.**

Date:- 21/04/2023.
aps.

Member (J)

O.A.No.584/2019 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

Heard Shri M.Chandekar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. Counsel for the applicant, **S.O. 24.04.2023.**

Date:- 21/04/2023.
aps.

Member (J)

O.A.Nos.957&958/2020 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

None for the applicant. Shri A.M.Ghogre, ld.
P.O. for the Respondents.

2. **S.O. after summer vacation.**

Date:- 21/04/2023.
aps.

Member (J)

O.A.No.70/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

None for the applicant. Shri A.M.Ghogre, ld.
P.O. for the Respondents.

2. **S.O. after summer vacation.**

Date:- 21/04/2023.
aps.

Member (J)

O.A.No.260/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 21/04/2023.

None for the applicant. Shri A.M.Ghogre, ld.
P.O. for the Respondents.

2. S.O. 27.04.2023.

Date:- 21/04/2023.
aps.

Member (J)

O.A.457/2019 (S.B.)

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

Dated : 21/04/2023.

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

2. Learned P.O. seeks time to file reply. Time is granted as last chance.
3. **S.O. after vacation.**

Vice Chairman

rsm.

O.A.945/2020 (S.B.)

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

Dated : 21/04/2023.

None for the applicant. Heard Shri A.M.Khadatkar, ld. P.O. for the respondents, Shri M.V.Bute, ld. counsel for the respondent no.4.

2. As per the submission of learned counsel for the respondent no.4, the applicant's husband was terminated in 1982. There is no merit in the application. The Applicant's husband has not served with the respondents 2 and 3.

3. **S.O.13.06.2023.** On that day if the applicant remained absent, matter will be dismissed.

Vice Chairman

rsm.

O.A.106/2021 (S.B.)

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

Dated : 21/04/2023.

Heard Shri C.D.Thamke, holding for Shri I.N.Choudhari, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. Rejoinder is not filed. Reply of respondents 1 to 3 is already on record. The O.A. is admitted for final hearing. In the meantime the applicant may file rejoinder.

3. **S.O. 14.06.2023.**

Vice Chairman

rsm.

O.A.747/2021 (S.B.)

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

Dated : 21/04/2023.

Heard Shri R.M.Fating, holding for Shri N.D.Thombre, ld. counsel for the applicant, Shri S.A.Sainis, ld. P.O. for the respondents 1 to 3 and Shri S.C.Deshmukh, ld. counsel for the respondent no.4. None for the respondent no.5.

2. At the request of ld. P.O., **S.O. after vacation for filing reply as last chance.**

Vice Chairman

rsm.

O.A.31/2023 (S.B.)

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

Dated : 21/04/2023.

Heard Shri M.R.Khan, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. after vacation for filing reply.**

Vice Chairman

rsm.

O.A.255/2023 (S.B.)

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

Dated : 21/04/2023.

C.A.No.171/2023

Heard Shri P.S.Patil, ld. counsel for the applicant, Shri H.K.Pande, ld. P.O. for the respondents 1 and 2, Shri N.S.Warulkar appeared on behalf of the respondent no.3 and Shri A.P.Sadavarte, ld. counsel for the respondent no.4.

2. Learned counsel for the respondent no.3 Shri A.P.Sadavarte, insisted to vacate the stay which was granted by this Tribunal. Learned counsel for the applicant has pointed out the contradictory documents. The stay was granted by this Tribunal on 10.03.2023. The respondent no.4 has filed one document i.e. order dated 10.03.2023 which shows that the respondent no.4 was directed to handover charge till 31.03.2023. date is 10.03.2023 whereas the order / letter filed by the respondent at page 82 show that it is 13.03.20223. It appears that both the documents are contradictory about the date. Even the order dated 10.03.2023 is taken into account. Then it is clear that on the same date the applicant is approached to this Tribunal and stay was granted by this Tribunal.

3. Learned P.O. is requested to clarify the above documents filed by applicant dated

10.03.2023 and the same document is filed by the respondent no.4 is dated 13.03.2023.

4. Learned counsel for the respondent no.3 seeks time to file reply.

5. **S.O. 25.04.2023.**

Steno copy is granted.

Vice Chairman

rsm.

O.A.236/2022 (S.B.)

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

Dated : 21/04/2023.

M.C.A.No.15/2023

Heard Shri P.S.Patil, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. As per the submission of learned P.O., respondents/Government wants to challenge the order before the Hon'ble High Court.

3. Learned counsel for the applicant has strongly objected to grant extension of time.

4. Looking to the submission M.C.A.No.15/2023 is allowed. Two months time is granted as last chance. M.C.A. is disposed of.

Vice Chairman

rsm.

O.A.322/2023 (S.B.)

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

Dated : 21/04/2023.

C.A.No.155/2023

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

2. Learned counsel for the applicant submits that both applicants are praying time bound promotion. C.A.No.155/2023 is allowed.

O.A.322/2023

3. Issue notice to the respondents, returnable **after vacation**. Learned P.O. waives notice for State. 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. after vacation.**

Vice Chairman

rsm.

O.A.320/2019 (S.B.)

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

Dated : 21/04/2023.

C.A.No.495/2022

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

2. Learned counsel for the applicant submits that name of applicant no.2 is wrongly typed. The applicant wants to correct the name Raghunath Gulabrao Fulkar instead of Pandurang Sakharam Jadhav.

3. Looking to the ground. C.A.No.495/2022 is allowed. Necessary amendment be carried out within two weeks.

4. **S.O. two weeks.**

Vice Chairman

rsm.

O.A.372/2023 (S.B.)

(Suresh S/o Pralhadrao Wankhede Vs. State of Maharashtra & Ors.)

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

Dated : 21/04/2023.

ORDER

Heard Shri R.M.Fating, Id. counsel for the applicant, Shri S.A.Deo, Id. C.P.O. for the respondents 1 & 2 and Shri P.S.Patil, Id. counsel for the respondent no.3(Caveator).

2. The applicant has not completed normal tenure on the present post. He was posted as Additional Commissioner, Tribal Development, Amravati, on 13.08.2021.

3. As per the submission of learned counsel for the applicant, he is still working on the said post. On the other hand, the learned counsel for respondent no.3 submits that she has joined as per the impugned transfer order dated 19.04.2023 at Amravati.

4. Learned C.P.O. submits that as per his instructions respondent no.3 has joined at Amravati ex-parte, but the applicant is not relieved.

5. Respondent no.3 has been transferred on deputation in place of the applicant. Learned counsel for the applicant has pointed out the Government Resolution dated 17.12.2016. The para 5 (A)(2)(i) of the G.R. dated 17/12/2016 is as under -

“(२) (i) सेवाप्रवेशे नयमातील तरतूदीनुसार नामानदेशनाद्वारे नयुक्तीसाठी यथास्थिती लोकसेवा आयोग पुरस्कृत अथवा जिल्हा/ प्रादेशिक नवड सामतीकडून नवड झालेले उमेदवार उपलब्ध होण्यास, किंवा (ii) पदोन्नतीने पद भरण्यासाठी योग्य व पात्र उमेदवार उपलब्ध नसल्यास आणि असे उमेदवार उपलब्ध होण्यास, एक वर्षापेक्षा अधिक कालावधी लागणार आहे. अशा अपवादात्मक परिस्थितीत प्रथमतः १ वर्षाकारता सरकारसेवेद्वारे अथवा पदोन्नतीने उमेदवार उपलब्ध होईपर्यंत या मागाने नयुक्ती करता येईल, किंवा (ii) ज्या कार्यालयाच्या आस्थापनेवरील पदे केवळ प्रांतनयुक्तीने भरण्याची तरतूद आहे अशा परिस्थितीत या मागाने नयुक्ती करता येईल.”

6. Learned counsel for the applicant has pointed out the Judgment of Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.2896/2020, decided on 11.12.2020.

7. As per the Government Resolution dated 17.12.2016, deputation can be made on the vacant post, if the Departmental candidate is not available. As per the submission of learned counsel for the applicant, he has not completed his normal tenure on present post. The Respondent no.3 cannot be transferred on deputation on the said post. The applicant is of Tribal Department. Respondent no.3 is not of Tribal Department. In view of above G.R. respondent no.3 cannot be deputed when the departmental candidate i.e. applicant is available. The applicant has not completed normal tenure, in view of the Judgment of Hon'ble Bombay High Court, Bench at Nagpur, without completing the normal tenure, transfer cannot be made.

8. Learned counsel for the applicant has pointed out some documents which show that there are complaints against the respondent no.3 about corruption. He has filed the copy of General Transfer Order dated 03.03.2023 issued by the respondent no.1. The respondent no.1 would have transferred the applicant in the General Transfer. However, it is Special Transfer Order which appears to be malafide. The applicant has not completed the normal tenure on the present post.

9. Hence, in view of the G.R. and above citation, **the impugned transfer order dated 19.04.2023 is stayed till the filling of reply.**

10. Learned C.P.O. seeks time to file reply.

11. The applicant is directed to serve the respondents.

S.O. 28.04.2023.

Steno copy is granted.

Vice Chairman

rsm.

Rev.A.01/2023 in O.A.1159/2022 (S.B.)

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

Dated : 21/04/2023.

Heard Shri V.R.Borkar, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents.

2. Issue involved in this O.A. is pending before the Larger Bench.

3. **S.O. after vacation.**

Vice Chairman

rsm.

Rev.A.36/2019 in O.A.933/2017 (S.B.)

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

Dated : 21/04/2023.

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

2. At the request of ld. P.O., **S.O. 12.06.2023.**

Vice Chairman

rsm.

O.A.115/2023 (S.B.)

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

Dated : 21/04/2023.

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

2. Issue notice to the respondents, returnable **on 14.06.2023**. 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. on 14.06.2023.**

Vice Chairman

rsm.

O.A.360/2023 (S.B.)

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

Dated : 21/04/2023.

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

2. Issue notice to the respondents, returnable **on 15.06.2023**. 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. on 15.06.2023.**

Vice Chairman

rsm.

O.A.361/2023 (S.B.)

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

Dated : 21/04/2023.

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

2. Issue notice to the respondents, returnable **on 15.06.2023**. 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. on 15.06.2023.**

Vice Chairman

rsm.

O.A.373/2023 (S.B.)

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

Dated : 21/04/2023.

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

2. The learned counsel for the applicant has pointed out Govt. Circular dated 19/05/2022. The learned counsel for applicant has submitted that choices given by the applicant are not considered. He has pointed out page no.20 and submitted that he has given choices for posting, but those were not considered.

3. Looking to the submission, **the respondents are directed to maintain status-quo as on today.**

4. Issue notice to the respondents, returnable **on 03.05.2023**. Learned C.P.O. waives notice for State. 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. on 03.05.2023.**

Vice Chairman

rsm.

O.A.124/2019 (S.B.)

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

Dated : 21/04/2023.

Heard Shri S.N.Gaikwad, 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. 12.06.2023.**

Vice Chairman

rsm.

O.A.450/2014 (S.B.)

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

Dated : 21/04/2023.

Heard Shri A.Z.Jibhkate, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents 1 to 3. None for the respondent no.4.

2. On 10.10.2022, this Tribunal has passed the following order in para 2.

2. The specific order was passed on 01/04/2022. The applicant was directed to make representation to the respondents about her grievances in respect of salary / monetary benefits and the respondents were directed to decide the same after hearing the applicant personally within 60 days from the date of representation.

3. As per the order dated 01.04.2022, the applicant was directed to make representation to the respondents about her grievances in respect of salary / monetary benefits and the respondents were directed to decide the same after hearing the applicant.

3. The learned counsel for the applicant submits that the respondents are given opportunity of hearing to the applicant, but till date no order is passed by the respondents.

4. Learned P.O. is requested to get instructions.

5. **S.O. after vacation.**

Steno copy is granted.

Vice Chairman

rsm.

O.A.869/2018 (S.B.)

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

Dated : 21/04/2023.

Heard Shri B.Kulkarni, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. As per the submission of learned counsel for the applicant, the applicant had filed O.A.No.868/2018 and in that O.A. this Tribunal has quashed and set aside the punishment withholding increment and therefore there is no stigma.

3. Today, learned counsel for the applicant has filed the copy of the Judgment in O.A.No.868/18 decided on 07.04.2022. Copy is supplied to the learned P.O.

4. **S.O. 02.05.2023.**

5. **P.H.**

Vice Chairman

rsm.

O.A.773/2019 (S.B.)

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

Dated : 21/04/2023.

Heard Shri S.M.Khan, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. Learned P.O. has pointed out order dated 20.10.2022 in compliance of the said order he has filed documents on record. It is marked Exhibit-X for identification. Copy is supplied to the applicant.

3. **S.O. 15.06.2023.**

Vice Chairman

rsm.

O.A.938/2021 (S.B.)

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

Dated : 21/04/2023.

Heard Mrs. K.N.Saboo, holding for Shri N.R.Saboo, 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. 28.04.2023.**

Vice Chairman

rsm.

O.A.1179/2022 (S.B.)

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

Dated : 21/04/2023.

Heard Adv. N.S.Pathan, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. 03.05.2023.**

Vice Chairman

rsm.

Rev.A.02/2018 in O.A.390/2014 (S.B.)

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

Dated : 21/04/2023.

Heard Shri S.M.Pande, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. **S.O. after vacation.**

Vice Chairman

rsm.

O.A.376/2023 (S.B.)

(Dnyanesh s. Bhat Vs. State of Mah. & Ors.)

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

Dated : 21/04/2023.

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

2. The applicant is transferred from Nagpur to Gadchiroli. The applicant is aged about 45 years. He is to retire on 30.11.2023. The applicant has made representation on 12.04.2023, but it is not considered.

3. Learned counsel for the applicant has pointed out Section 5 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act,2005"). As per the Section 5 of the Transfers Act, 2005, the tenure of posting of the Government servant or employee may be extended, in case of employee is due for transfer after completion of tenure at a station of posting or post has less than one year for retirement. The applicant is about to retire within six months.

4. In view of the section 5 of the Transfers Act, 2005, the respondents to consider the representation of the applicant. As per the submission of learned counsel for the applicant, he is not relieved. **Hence, the impugned transfer is stayed till filing of reply.**

5. Issue notice to the respondents, returnable **on 04.05.2023**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. 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. 04.05.2023.

Steno copy is granted.

Vice Chairman

rsm.

O.A.340/2023 (D.B.)

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

Dated : 21/04/2023.

Heard Shri S.M.Khan, ld. counsel for the applicants and Shri S.A.Sainis, ld. P.O. for the respondents.

2. On 12.04.2023 notice was issued. On that day interim relief was not granted. Thereafter, matter was posted on 21.04.2023. The applicants have not served respondents 2 and 3.

3. Learned counsel for the applicants insisted to grant interim relief. The applicants are directed to serve the respondents first then interim relief can be considered after appearing respondents 2 and 3.

4. **S.O. after vacation.**

Vice Chairman

rsm.