

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

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

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

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original

Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

Vice Chairman

Date:- 01/06/2023.
aps.

C.P.No.46/2023 in O.A.No.132/2022 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.**

Heard Shri B.S.Sirsat, applicant in person and Shri M.I.Khan, ld. P.O. for the State.

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

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

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

Vice Chairman

Date:- 01/06/2023.
aps.

O.A.No.507/2023 (D.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.**

Heard Ms. A.Manhare, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State.

2. As submitted by Id. Counsel for the applicant as well as Id. P.O. submitted that the grievance of the applicant is now satisfied because the M.P.S.C. has now declared the applicant as an eligible candidate to fill up the form.

3. Hence, the O.A. becomes infructuous,
disposed of with no order as to costs.

Vice Chairman

Date:- 01/06/2023.
aps.

O.A.No.454/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 01/06/2023.**

Heard Shri N.S.Warulkar, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the Respondents and Shri V.B.Madavi (Respondent no. 6), L.D.O., Arvi, Dist. Wardha personally present.

2. Ld. P.O. has filed affidavit in reply on behalf of the respondent no. 1 as per the direction of this Tribunal as per order dated 18.05.2023. It is taken on record. Copy is served to the other side.

3. Ld. P.O. has submitted that applicant is already relieved and respondent no. 5 has already joined at the place of applicant. He oral seeks directions to direct the respondent to relieve, no stay is granted by this Tribunal to the impugned order. Respondent no. 6 may pray to the respondent no. 1 to relieve him. Reply is already filed. It is stated to be sufficient. **Admitted.**

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

5. **S.O. 06.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

O.A.Nos.455&456/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 01/06/2023.**

Heard Shri N.R.Saboo holding for Shri A.P.Tathod, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the Respondents and Shri Mukkadam, ld. Counsel for the respondent no. 3 (Zilla Parishad).

2. The ld. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

5. **S.O. 08.06.2023.**

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

Date:- 01/06/2023.
aps.

Vice Chairman

O.A.No.459/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated : 01/06/2023.**

Heard Shri D.P.Dapurkar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

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

Date:- 01/06/2023.
aps.

Vice Chairman

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. As per the submission of Id. Counsel for the applicant, he is working at Wadsa Division. Applicant is transferred to Sironcha Division. As per G.R. dated 22.05.2017, the applicant cannot be transferred from one Division to another Division. Id. Counsel for the applicant has pointed out the judgment passed by Principal Bench, MAT Mumbai in O.A. No. 677/2020. From the perusal of the G.R., it appears that the Rules of transfer is not mandatory to transfer in the same Division. If the exigency arises, the department may transfer from one Division to another Division. As per submission of Id. Counsel for the applicant, the preference may given to the same Division. The judgment filed by the Id. Counsel for the applicant is final judgment i.e. O.A. Nos. 677, 678, 679 & 680/2020. Here the applicant is relieved or not is yet to be cleared?

3. Hence, **respondents are directed to consider the options given by applicant in the application dated 12.05.2023 (P. 22).**

4. Issue notice to Respondents, returnable on 14.06.2023. 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.

10. **S.O. 14.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. As per the submission of Id. Counsel for the applicant, he is working at Wadsa Division. Applicant is transferred to Sironcha Division. As per G.R. dated 22.05.2017, the applicant cannot be transferred from one Division to another Division. Id. Counsel for the applicant has pointed out the judgment passed by Principal Bench, MAT Mumbai in O.A. No. 677/2020. From the perusal of the G.R., it appears that the Rules of transfer is not mandatory to transfer in the same Division. If the exigency arises, the department may transfer from one Division to another Division. As per submission of Id. Counsel for the applicant, the preference may given to the same Division. The judgment filed by the Id. Counsel for the applicant is final judgment i.e. O.A. Nos. 677, 678, 679 & 680/2020. Here the applicant is relieved or not is yet to be cleared?

3. Hence, **respondents are directed to consider the options given by applicant in the application dated 12.05.2023 (P. 22).**

4. Issue notice to Respondents, returnable on 14.06.2023. 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.

10. **S.O. 14.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. As per the submission of Id. Counsel for the applicant, he is working at Wadsa Division. Applicant is transferred to Sironcha Division. As per G.R. dated 22.05.2017, the applicant cannot be transferred from one Division to another Division. Id. Counsel for the applicant has pointed out the judgment passed by Principal Bench, MAT Mumbai in O.A. No. 677/2020. From the perusal of the G.R., it appears that the Rules of transfer is not mandatory to transfer in the same Division. If the exigency arises, the department may transfer from one Division to another Division. As per submission of Id. Counsel for the applicant, the preference may given to the same Division. The judgment filed by the Id. Counsel for the applicant is final judgment i.e. O.A. Nos. 677, 678, 679 & 680/2020. Here the applicant is relieved or not is yet to be cleared?

3. Hence, **respondents are directed to consider the options given by applicant in the application dated 12.05.2023 (P. 22).**

4. Issue notice to Respondents, returnable on 14.06.2023. 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.

10. **S.O. 14.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. As per the submission of Id. Counsel for the applicant, he is working at Wadsa Division. Applicant is transferred to Sironcha Division. As per G.R. dated 22.05.2017, the applicant cannot be transferred from one Division to another Division. Id. Counsel for the applicant has pointed out the judgment passed by Principal Bench, MAT Mumbai in O.A. No. 677/2020. From the perusal of the G.R., it appears that the Rules of transfer is not mandatory to transfer in the same Division. If the exigency arises, the department may transfer from one Division to another Division. As per submission of Id. Counsel for the applicant, the preference may given to the same Division. The judgment filed by the Id. Counsel for the applicant is final judgment i.e. O.A. Nos. 677, 678, 679 & 680/2020. Here the applicant is relieved or not is yet to be cleared?

3. Hence, **respondents are directed to consider the options given by applicant in the application dated 13.05.2023 (P. 23).**

4. Issue notice to Respondents, returnable on 14.06.2023. 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.

10. **S.O. 14.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. As per the submission of Id. Counsel for the applicant, he is working at Wadsa Division. Applicant is transferred to Bhambragarh Division. As per G.R. dated 22.05.2017, the applicant cannot be transferred from one Division to another Division. Id. Counsel for the applicant has pointed out the judgment passed by Principal Bench, MAT Mumbai in O.A. No. 677/2020. From the perusal of the G.R., it appears that the Rules of transfer is not mandatory to transfer in the same Division. If the exigency arises, the department may transfer from one Division to another Division. As per submission of Id. Counsel for the applicant, the preference may given to the same Division. The judgment filed by the Id. Counsel for the applicant is final judgment i.e. O.A. Nos. 677, 678, 679 & 680/2020. Here the applicant is relieved or not is yet to be cleared?

3. Hence, **respondents are directed to consider the options given by applicant in the application dated 12.05.2023 (P. 23).**

4. Issue notice to Respondents, returnable on 14.06.2023. 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.

10. **S.O. 14.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. As per the submission of Id. Counsel for the applicant, he is working at Central Chanda Division. Applicant is transferred to Tatodaba Anderi Tiger Project Division (Chandrapur). As per G.R. dated 22.05.2017, the applicant cannot be transferred from one Division to another Division. Id. Counsel for the applicant has pointed out the judgment passed by Principal Bench, MAT Mumbai in O.A. No. 677/2020. From the perusal of the G.R., it appears that the Rules of transfer is not mandatory to transfer in the same Division. If the exigency arises, the department may transfer from one Division to another Division. As per submission of Id. Counsel for the applicant, the preference may given to the same Division. The judgment filed by the Id. Counsel for the applicant is final judgment i.e. O.A. Nos. 677, 678, 679 & 680/2020. Here the applicant is relieved or not is yet to be cleared?

3. Hence, **respondents are directed to consider the options given by applicant in the application dated 09.05.2023 (P. 19).**

4. Issue notice to Respondents, returnable on 14.06.2023. 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.

10. **S.O. 14.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. As per the submission of Id. Counsel for the applicant, he is working at Social Forestry Division. Applicant is transferred to Wild Life Division. As per G.R. dated 22.05.2017, the applicant cannot be transferred from one Division to another Division. Id. Counsel for the applicant has pointed out the judgment passed by Principal Bench, MAT Mumbai in O.A. No. 677/2020. From the perusal of the G.R., it appears that the Rules of transfer is not mandatory to transfer in the same Division. If the exigency arises, the department may transfer from one Division to another Division. As per submission of Id. Counsel for the applicant, the preference may given to the same Division. The judgment filed by the Id. Counsel for the applicant is final judgment i.e. O.A. Nos. 677, 678, 679 & 680/2020. Here the applicant is relieved or not is yet to be cleared?

3. Hence, **respondents are directed to consider the options given by applicant in the application at P. 17.**

4. Issue notice to Respondents, returnable on 14.06.2023. 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.

10. **S.O. 14.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. As per the submission of Id. Counsel for the applicant, he is working at Wadsa Division. Applicant is transferred to Bhambragarh Division. As per G.R. dated 22.05.2017, the applicant cannot be transferred from one Division to another Division. Id. Counsel for the applicant has pointed out the judgment passed by Principal Bench, MAT Mumbai in O.A. No. 677/2020. From the perusal of the G.R., it appears that the Rules of transfer is not mandatory to transfer in the same Division. If the exigency arises, the department may transfer from one Division to another Division. As per submission of Id. Counsel for the applicant, the preference may given to the same Division. The judgment filed by the Id. Counsel for the applicant is final judgment i.e. O.A. Nos. 677, 678, 679 & 680/2020. Here the applicant is relieved or not is yet to be cleared?

3. Hence, **respondents are directed to consider the options given by applicant in the application dated 12.05.2023 (P. 22).**

4. Issue notice to Respondents, returnable on 14.06.2023. 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.

10. **S.O. 14.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

None for the applicant. Shri M.I.Khan, ld. P.O. for the State.

2. As per the submission of ld. P.O., respondent no. 4 is already joined in place of the applicant. He has filed the joining letter of respondent no. 4 which is marked Exh. 'X' for the purpose of identification.

3. Issue notice to Respondents, returnable on 27.06.2023. 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.

9. **S.O. 27.06.2023.**

Vice Chairman

Date:- 01/06/2023.

aps.

O.A.No.482/2023 (S.B.)
Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri P.D.Sharma, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State.

2. As per the submission of Id. Counsel for the applicant, applicant was transferred but his transfer order is not issued. Id. Counsel for the applicant has pointed out order dated 24.05.2023. Id. Counsel for the applicant has further submitted that applicant has not completed normal tenure and, therefore, transfer order dated 24.05.2023 is liable to be stayed.

3. Heard Id. P.O., he has pointed out the order dated 24.05.2023 and submitted that one Shri Gulabrao Wagh has already joined at Buldhana in place of the applicant. As per the submission of Id. P.O., the applicant has challenging the order dated 24.05.2023.

4. One Shri G.Wagh is posted in place of applicant on promotion, he is not made party. In this situation, the applicant cannot claim the interim relief. The transfer/promotion order dated 24.05.2023 clearly shows that G.Wagh is posted on promotion in place of the applicant. The applicant was very well aware that G.Wagh is affected by the stay order, therefore, G.Wagh should have been made party as respondents. It appears from the impugned order that applicant is already relieved. The applicant is aware of the transfer order but he has not filed the same. Without joining G.Wagh as respondents, O.A. cannot be proceeded. Hence, the

applicant is directed to join G.Wagh as respondent no. 3 in this matter.

5. Issue notice to Respondents, returnable on 23.06.2023. Learned P.O. waives notice for R-1. 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.

11. **S.O. 23.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. The applicant was due for transfer. The applicant is transferred from Amravati to Yavatmal. The main grievance of the applicant is that the choice given by the applicant is not taken into consideration (P. 44).

3. Respondents are directed to consider the representation dated 31.05.2023 of the applicant (P. 55) till the returnable date.

4. Issue notice to Respondents, returnable on 21.06.2023. 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.

10. **S.O. 21.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri G.G.Bade, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the State.

2. The applicant is about to retire after one year and two months. The applicant is transferred from Salekasa to Gothangaon. The applicant was due for transfer and, therefore, he cannot seek the benefit of Section 5 of the Transfer Act, 2005 because he is about to retire after one year and two months.

3. In the meantime, **respondents are directed to decide the representation of applicant dated 30.05.2023 (P. 36).**

4. Issue notice to Respondents, returnable on 27.06.2023. 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.

10. **S.O. 27.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri G.G.Bade, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the State.

2. The applicant is transferred from Arjuni - Morgaon Range to Parastola Beat, Gothangaon. The applicant was due for transfer.

3. In the meantime, **respondents are directed to decide the representation of applicant dated 31.05.2023 (P. 53).**

4. Issue notice to Respondents, returnable on 27.06.2023. 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.

10. **S.O. 27.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

O.A.No.473/2023 (S.B.)

**Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.**

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State.

2. The Id. Counsel for the applicant has filed pursis. It is marked Exh. X for the purpose of identification. As per the submission of Id. Counsel for the applicant, the grievances of the applicant are redressed. Therefore, he do not want to prosecute the matter.

3. Hence, **O.A. is disposed of as withdrawn with no order as to costs.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri A.P.Tathod, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the State.

2. The applicant was due for transfer. As per his submission, he is not relieved, post are vacant at Mehkar, Chikhli, Achangaon and Buldhana. The applicant is transferred from Municipal Council, Mehkar, Dist. Buldhana to Municipal Council, Jafrabad, Dist. Jalna. The post of applicant is transferable to all over Maharashtra. As per the submission of ld. Counsel for the applicant, applicant is suffering from 45% permanent disability. As per the settled law, transfer is the condition of service. There is no breach of any of the statutory provision. The transfer can be stayed only on the ground that if it is malafide or against the statutory provision. The impugned transfer order is not against any of the Transfer Act, 2005. Hence, interim stay cannot be granted.

3. **Respondents are directed to consider the representation dated 20.05.2023 till the returnable date.**

4. Issue notice to Respondents, returnable on 26.06.2023. 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.

10. **S.O. 26.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

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

2. Ld. Counsel for the applicant has pointed out order dated 31.05.2023. Ld. Counsel for the applicant has further submits that applicant is not transferred, the respondent no. 2 is transferred in place of the applicant. Hence, prayed to grant stay.

3. Ld. C.P.O. strongly objected to grant stay. He has pointed out transfer order and submitted that applicant is already transferred and he is relieved on 31.05.2023.

4. At this stage, it appears that the transfer order of the applicant is not on record. Whether he is transferred or not it is not clear. It appears from the transfer order dated 31.05.2023 that applicant is already relieved. Hence, interim stay cannot be granted. Applicant is at liberty to challenge his own transfer order if he is aggrieved. The applicant is permitted to carry out the amendment in the name of respondent no. 1.

5. Issue notice to Respondents, returnable on 27.06.2023. Learned P.O. waives notice for R-1. 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.

11. **S.O. 27.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri A.P.Barahate, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. The Id. Counsel for the applicant submits that applicant get transferred from Social Forestry, Range Amravati, Social Forestry Department Amravati to Zari (round), Waan Wildlife Range, Wildlife Department Akot. As per the submission of Id. Counsel for the applicant, applicant had already worked in Wildlife for more than nine years again he is transferred to Wildlife. As per his submission he has not completed two tenures in the same division. He has pointed out G.R. dated 09.04.2018. As per the situation and need of the superior officer they may transfer from one Division to another. The applicant is transferred to Wildlife. As per the G.R., the preference may be given to the Wildlife. It appears that the respondents may consider the preference of the G.R..

3. **Applicant is at liberty to make representation to the respondents and respondents may consider the same.**

4. Issue notice to Respondents, returnable on 23.06.2023. 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.

10. **S.O. 23.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri A.P.Barahate, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. The Id. Counsel for the applicant submits that applicant get transferred from Social Forestry, Range Dhamangaon Railway, Amravati Forest Department to Round Rangrao, Range Tarubanda, Ghugamal Wildlife, Chikaldhara. As per the submission of Id. Counsel for the applicant, applicant had already worked in Wildlife for more than ten years again he is transferred to Wildlife. As per his submission he has not completed two tenures in the same division. He has pointed out G.R. dated 09.04.2018. As per the situation and need of the superior officers they may transfer from one Division to another. The applicant is transferred to Wildlife. As per the G.R., the preference may be given to the Wildlife. It appears that the respondents may consider the preference of the G.R..

3. **Respondents are directed to consider the representation dated 19.04.2023 (P. 20) and he is at liberty to move the fresh representation and respondents are directed to consider the same.**

4. Issue notice to Respondents, returnable on 23.06.2023. 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.

10. **S.O. 23.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri A.P.Barahate, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. The Id. Counsel for the applicant submits that applicant get transferred from Shekdhari (Round), Warud (Range), Forest Department Amravati to Bhawai (Round), Ghatang Wildlife Range, Melghat Wildlife Department, Partwada. As per the submission of Id. Counsel for the applicant, applicant had already worked in Wildlife for more than twelve years again she is transferred to Wildlife. As per his submission she has not completed two tenures in the same division. He has pointed out G.R. dated 09.04.2018. As per the situation and need of the superior officer they may transfer from one Division to another. The applicant is transferred to Wildlife. As per the G.R., the preference may be given to the Wildlife. It appears that the respondents may consider the preference of the G.R..

3. **Applicant is at liberty to make representation to the respondents and respondents may consider the same.**

4. Issue notice to Respondents, returnable on 23.06.2023. 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.

10. **S.O. 23.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri A.P.Barahate, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. The Id. Counsel for the applicant submits that applicant get transferred from Nisarga Paryatan Kendra, Morshi, Forest Department to Mandwa (round), Ghatbori Range, Buldhana Division. He has pointed out G.R. dated 09.04.2018. As per the situation and need of the superior officer they may transfer from one Division to another. It appears that the respondents may consider the preference of the G.R..

3. **Respondents are directed to consider the representation dated 03.05.2023 (P. 20) and he is at liberty to move the fresh representation and respondents are directed to consider the same.**

4. Issue notice to Respondents, returnable on 23.06.2023. 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.

10. **S.O. 23.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri A.P.Barahate, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. The Id. Counsel for the applicant submits that applicant get transferred from Shirkhed (Round), Morshi (Range), Forest Department Amravati to Jalgaon Jamod (Range), Social Forestry Buldhana. As per the submission of Id. Counsel for the applicant, applicant had already worked in Wildlife for more than twelve years. He has pointed out G.R. dated 09.04.2018. As per the situation and need of the superior officer they may transfer from one Division to another. It appears that the respondents may consider the preference of the G.R..

3. **Respondents are directed to consider the representation dated 02.05.2023 (P. 20) and he is at liberty to move the fresh representation and respondents are directed to consider the same.**

4. Issue notice to Respondents, returnable on 23.06.2023. 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.

10. **S.O. 23.06.2023.**

Vice Chairman

Date:- 01/06/2023.

aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. The applicant was due for transfer. He is transferred from Buldhana to Parbhani. He has completed normal tenure for transfer. He cannot claim the benefit of Section 5 of Transfer Act, 2005 for extension of tenure. Extension of tenure is permissible, if the employee is due to retire within one year. As per the submission of Id. Counsel for the applicant, applicant is going to retire within one year and two months. As per the submission of Id. P.O., applicant is already relieved.

3. **The respondents are directed to consider the representation of applicant dated 31.05.2023.**

4. Issue notice to Respondents, returnable on 20.06.2023. 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.

10. **S.O. 20.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri S.Y.Deopujari, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. As per the submission of the Id. Counsel for the applicant, applicant was due for transfer. The applicant is suffering from Spinal Cord Disease and, therefore, he made representation dated 02.02.2023 which is not considered. The applicant is transferred from Amravati to Yavatmal. Son of applicant is in 12th Std. Therefore, prayed to grant stay to the impugned order.

3. Id. P.O. strongly objected to grant interim relief. The applicant was due for transfer. The transfer is a condition of service. It is for the transferring/immediate Superior Officers to consider the grievance of the employee. Once the employee is due for transfer, he can be transferred. The distance of Amravati to Yavatmal is 100 K.M. (Approx.).

4. **Respondents are directed to consider the representation of the applicant dated 02.02.2023 till the returnable date.**

5. Issue notice to Respondents, returnable on 23.06.2023. Learned P.O. waives notice for R-1. 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.

10. **S.O. 23.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

Coram:Shri Justice M.G.Giratkar,Vice Chairman
Dated :01/06/2023.

Heard Shri D.P.Dapurkar, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the State.

2. As per the submission of ld. Counsel for the applicant, applicant is transferred from Amravati to Damangaon Railway. Ld. Counsel for the applicant has pointed out disability certificate. It appears that the applicant is suffering from 40% disable. The applicant was due for transfer. He is transferred to Damangaon from Amravati which is 55 K.M. (Approx.). Railway facility is also available. As per the submission of ld. Counsel for the applicant, applicant is due to retire after one year and two months. As per Section 5 of the Transfer Act, 2005, the employee which is about to retire within one year then extension can be granted, therefore, applicant cannot seeks the benefit of Section 5 of the Transfer Act, 2005.

3. **Respondents are directed to consider the representations 26.04.2023 and 08.05.2023 till filing of the reply.**

4. Issue notice to Respondents, returnable on 19.06.2023. 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.

10. **S.O. 19.06.2023.**

Vice Chairman

Date:- 01/06/2023.
aps.

O.A.463/2023 (S.B.)

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

Dated : 01/06/2023.

Heard Shri A.P.Mishra, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the State.

2. Learned counsel for the applicant has pointed out Section 22(N) of Maharashtra Police Act and submitted that transfer of the applicant from one Division to another Division i.e. out of range is not permissible. The applicant is transferred from Wardha to Nagpur. Therefore, prayed to grant stay. Learned counsel for the applicant has pointed out this document on page 16 and submitted that the applicant is on medical leave.

3. Learned P.O. has pointed out relieving order dated 15.05.2023.

4. From the perusal of order dated 15.05.2023, it appears that the applicant is already relieved on 15.05.2023. Whether leave of applicant is granted or not is to be decided after filing reply. At this stage it is not clear as to whether the applicant is relieved or not, but order dated 15.05.2023 shows that the applicant is already relieved. In view of the order dated 15.05.2023 interim stay cannot be granted.

5. Issue notice to the respondents, returnable **on 09.06.2023**. Learned 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.

11. **S.O. 09.06.2023.**

Vice Chairman

rsm.

O.A.465/2023 (S.B.)

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

Dated : 01/06/2023.

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

2. As per the submission of learned counsel for the applicant without following guidelines in G.R. dated 06.08.2002, the applicant is transferred from Chandrapur to Gondia, both are the Naxal affected areas. As per G.R. dated 06.08.2002 choice posting is to be given to the employee who had completed the normal tenure of transfer. The applicant was working at Chandrapur for more than 9 years. Her representation dated 28.02.2023 is not considered by the respondents.

3. As per the submission of learned P.O., the applicant is already relieved. The respondents are directed to consider the representation of the applicant dated 28.02.2023 till the returnable date.

4. Issue notice to the respondents, returnable **on 15.06.2023**. Learned 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.15.06.2023.**

Vice Chairman

rsm.

O.A.476/2023 (S.B.)

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

Dated : 01/06/2023.

Heard Shri S.M.Vaishanav, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the State.

2. From the submission it appears that the applicant has completed his normal tenure of transfer i.e. three years. As per the Transfer Act 2005, the transfer cannot be said to be illegal.

3. Issue notice to the respondents, returnable **on 19.06.2023**. 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. 19.06.2023.**

Vice Chairman

rsm.

O.A.481/2023 (S.B.)

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

Dated : 01/06/2023.

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

2. As per the submission of learned counsel for the applicant, the applicant is transferred from Social forestry to Wildlife, it is not permissible.

3. As per the submission of learned P.O., the applicant is transferred near to the place of posting of his wife. Therefore, no difficulty will cause to the applicant.

4. Learned counsel for the applicant submits that the applicant is not relieved. From the perusal of transfer order, it appears that all the transfer employees are directed to be relieved and they were directed to join at the relieved place. At this stage it is not clear whether the applicant is relieved or not?

5. Issue notice to the respondents, returnable **on 07.06.2023**. Learned 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.

11. **S.O. 07.06.2023.**

Vice Chairman

rsm.

O.A.464/2022 (S.B.)

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

Dated : 01/06/2023

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

2. As per the submission of learned counsel for the applicant, the applicant is working in Naxal/Tribal affected area i.e. in Gondia District. He has pointed out G.R. dated 06.08.2002. As per G.R. dated 06.08.2002, employee who has worked in Naxal/Tribal affected area for tenure of three years then as per his request, choice posting is to be given. The applicant is transferred from Gondia to Jalgaon, therefore, the applicant prayed to grant stay. As per the submission of learned counsel for the applicant, the applicant has given two choices for posting at Wardha and Bhandara but those choices are not considered by the respondents.

3. As per the submission of learned P.O., the applicant is already relieved. As per the documents filed by the applicant himself he is relieved on 31.05.2023. Both documents are show that applicant is already relieved. Hence, interim stay cannot be granted.

4. The respondents are directed to consider representation dated 24.02.2023 till the returnable date.

5. Issue notice to the respondents, returnable **on 15.06.2023**. Learned 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.

11. **S.O. 15.06.2023.**

Vice Chairman

rsm.

O.A.475/2023 (D.B.)

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

Dated : 01/06/2023.

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

2. As per the submission of learned counsel for the applicant, the applicant approached to the Hon'ble High Court making the submission that MAT, Nagpur was not working on that ground Hon'ble High Court has granted interim relief till today.

3. The applicant is a Doctor. As per the notification dated 23.02.2022 the age of the retirement of Doctors were extended and last date of the retirement was mentioned as 31.05.2023. The learned counsel for the applicant has submitted that the last proviso is not applicable to the applicant.

4. Learned C.P.O. has pointed out the Judgment delivered by this Tribunal in O.A.No.362/2023. This Tribunal recorded its finding that as per notification dated 23.02.2022, Doctors are entitled to continue their services upto 31.05.2023. The applicant is also entitled to continue his services upto 31.05.2023.

5. Learned counsel for the applicant submits that the proviso is not applicable to the applicant. This Tribunal has finally decided one of the

matter. Hence, interim stay cannot be continued. Learned counsel for the applicant submits that if he will continue, he will not claim the salary. Hence, Interim relief granted by the High Court is continued till 12.06.2023. If the applicant is not entitled to continue the services, he shall not claim any salary from the respondents.

6. Learned C.P.O. is requested to file reply on 12.06.2023 positively.

7. **S.O.12.06.2023.**

8. **Steno copy is granted.**

Vice Chairman

rsm.