

O.A. No.755/2016.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

1. Heard Shri A.D. Dangore, learned counsel for the applicant.
2. Shri M.I. Khan, Id. P.O. for the Respts. No.1.
3. Issue notice to R. 2 to 4 returnable after **two weeks**.
4. Shri M.I. Khan, Id. P.O. waives notice for the Respts. No.1. Hamdast granted.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.
7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and

acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

9. On submission, aspect of interim relief is kept open. Considering the submission made at length, P.O. is directed not to consume more time and produce the record such as copy of F.I.R. dated 18.4.2016, enquiry report and lodging of report etc.

S.O. two weeks.

V.C.

pdg

O.A. No.776/2015.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

Shri S.N. Gaikwad, learned counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

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

V.C.

pdg

O.A. No.777/2015.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

Shri S.N. Gaikwad, learned counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

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

V.C.

pdg

O.A. No.667/2016.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

Heard Shri A.S. Deshpande, learned counsel for the applicant and Shri P.N. Warjekar, Id. P.O. for the respondents.

The learned P.O. filed communication dated 30.11.2016 alongwith the order of even date. Suspension of the applicant is revoke and she is reinstated in service. Thus the grievance of the applicant is redressed. So far as payment of salary for the period of suspension is concerned, the department has to pass some order. The applicant is due for retirement on 31.12.2016. Consequently, O.A. is disposed of.

V.C.

pdg

O.A. No.495/2016.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

None the applicant. Shri P.N.
Warjekar, Id. P.O. for the respondents.

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

V.C.

pdg

O.A. No.200/2016.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

There is a leave note from Shri R.R. Rathod, learned counsel the applicant. Shri A.M. Khadatkar, Id. P.O. for the respondents 1 to 3. Shri M.L. Vairagade, Adv. for R. 4 and 5.

The learned P.O. submits that he would file reply during the course of the day of R.3 S.D.O. and serve its copy to the other sides.

S.O. **one week for disposal.**

V.C.

pdg

O.A. No.694/2016.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

Shri R.D. Hazare, Adv. holding for Shri M.M. Sudame, learned counsel the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

The learned P.O. submits that copy of order is sent to the Chief Secretary by the Registrar of this Tribunal. O.A. is already disposed of on 17.11.2016.

Remove from the board.

V.C.

pdg

O.A. No.512/2016.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

1. None for the applicant. Heard Shri A.P. Potnis, Id. P.O. for the respondents.

2. The learned counsel for the applicant has already filed no instruction pursis.

3. **Issue notice through this office** returnable after **four weeks.**

4. Shri A.P. Potnis, Id. P.O. waives notice for the Respts. No.1. Hamdast granted.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. **four weeks for disposal.**

V.C.

pdg

O.A. No.86/2016.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

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

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

V.C.

pdg

O.A. No.451/2016.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

Shri N.D. Thombre, learned counsel the applicant and Shri S.A. Sainis, Id. P.O. for the respondents 1 to 4. None for R. 5 and 6.

At the request of learned P.O.,
S.O. **one week for reply.**

V.C.

pdg

O.A. No.325/2016.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

Miss M.A. Jaiswar, Adv. holding for Shri P.J. Mehta, learned counsel the applicant submits that the latter is out of station and hence adjournment is sought.

Shri S.A. Sainis, Id. P.O. for the respondents 1 to 3. None for R. 4.

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

V.C.

pdg

O.A. No.658/2016.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

C.A. 495/2016.

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

On submission, C.A. will be decided alongwith the O.A.

O.A. No.658/2016.

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

V.C.

pdg

O.A. No.489/2016.

Coram : S.S. Hingne, V.C.

Dated : 1.12.2016.

Heard Shri G.G. Bade, learned counsel the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

Closed for orders.

V.C.

pdg

O.A. No.701/2015.

Coram : S.S. Hingne, Vice-Chairman

Dated : 1st December 2016.

Shri S.G. Gaurkar, Adv. holding for Shri R.S. Thengne, learned counsel the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

The learned counsel the applicant has filed rejoinder, it is taken on record and a copy thereof is supplied to the learned P.O.

S.O. 14th December 2016.

Vice-Chairman

pdg

O.A. No.366/2015.

Coram : S.S. Hingne, Vice-Chairman

Dated : 1st December 2016.

Shri S.R. Charpe, learned counsel the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

The learned counsel the applicant wants to file C.A.

S.O. **two weeks.**

Vice-Chairman

pdg

O.A. No.679,680,681,682 & 683 of 2016.

Coram : S.S. Hingne, Vice-Chairman

Dated : 1st December 2016.

Shri S. N. Gaikwad, learned counsel the applicant and Shri M.I. Khan, learned P.O. for the respondents.

At the request of learned P.O., S.O. **two weeks for taking instructions.**

Vice-Chairman

pdg

O.A. No. 668/2011.

Coram : S.S. Hingne, Vice-Chairman

Dated : 1st December 2016.

C.A.No.236/2012.

There is a leave note from Shri S.P. Palshikar, learned counsel the applicant. Shri M.I. Khan, learned P.O. for the respondents 1 and 2. None for R. 3 & 4.

S.O. **three weeks.**

Vice-Chairman

pdg

O.A. No. 524/2013.

Coram : S.S. Hingne, Vice-Chairman

Dated : 1st December 2016.

R.A.No.14/2015.

Shri S.U. Bhuyar, learned counsel the applicant and Shri S.A. Sainis, learned P.O. for the respondent. No. 1. Shri P.V. Thakre, Adv. for R. 2 to 5.

At the request of learned counsel the applicant, S.O. **22.12.2016.**

Vice-Chairman

pdg

O.A. No. 735/2015.

Coram : S.S. Hingne, Vice-Chairman

Dated : 1st December 2016.

Shri S.M. Khan, Adv. holding for Shri P.C. Marpakwar, learned counsel the applicant and Shri M.I. Khan, learned P.O. for the respondents.

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

Vice-Chairman

pdg

O.A. No. 789/2015.

Coram : S.S. Hingne, Vice-Chairman

Dated : 1st December 2016.

Shri T.S. Deshpande, learned counsel the applicant and Shri M.I. Khan, learned P.O. for the respondents.

At the request of learned counsel the applicant, S.O. **8.12.2016.**

Vice-Chairman

pdg

O.A. No. 614, 615 & 616 of 2013.

Coram : S.S. Hingne, Vice-Chairman

Dated : 1st December 2016.

Shri D.S. Wasnik, learned counsel the applicants and Shri P.N. Warjekar, learned P.O. for the respondents.

The learned P.O. has filed details of working of the applicant. Same are taken on record and copies thereof are supplied to the learned counsel the applicants.

S.O. **two weeks.**

Vice-Chairman

pdg

O.A. No.709/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri C.A. Babrekar, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&3. None for R-2.

At the request of learned counsel for the applicant, **S.O. one week by way of last chance.**

V.C.

dnk.

O.A. No.697/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Smt. Saboo, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4.

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

V.C.

dnk.

O.A. No.843/2014

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Smt. Saboo, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for R-1. None for R-2 to 5.

At the request of Id. Counsel for the applicant, **S.O. three weeks.**

V.C.

dnk.

O.A. No.742/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

V.G. Madavi, Id. Counsel holding for Shri D.R. Rupnarayan, Id. Counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for R-1&2. None for R-3.

The R-3 is a member of local body.

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

Put up along with similar matter.

V.C.

dnk.

O.A. No.494/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri P.S. Gawai, Id. Counsel holding for Shri R.L. Khapre, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1,2,4 & 5. None for R-3.

Ld. Counsel submits that Shri R.L. Khapre is busy somewhere else. At his request, **S.O. one week.**

V.C.

dnk.

O.A. No.323/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Ms. S.A. Tiwari, Id. Counsel holding for Shri A.S. Tiwari, Id. Counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 3. None for R-4.

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

V.C.

dnk.

O.A. No.570/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri A.C. Dharmadhikari, Id. Counsel
for the applicant and Shri M.I. Khan, Id. P.O.
for the Respts.

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

V.C.

dnk.

O.A. No.578/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri N.D.Thombre, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respts.

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

V.C.

dnk.

O.A. No.844/2012

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri M.V. Mohokar, Id. Counsel for the applicant and Smt. M.A. Barabde,, Id. P.O. for R-1,2 & 4. None for R-3.

At the request of Id. Counsel for the applicant, **S.O. two weeks by way of last chance.**

V.C.

dnk.

O.A. No.316/2014

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri N.S. Warulkar, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

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

V.C.

dnk.

O.A. No.34/2014

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri Ankit Dighe, Id. Counsel holding for Shri S.Y. Deopujari, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the R-1&2. None for R-3&4.

Learned P.O. wants time to produce the record. At his request, **S.O. three weeks.**

V.C.

dnk.

O.A. No.710/2014

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri G.G. Bade, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respts.

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

V.C.

dnk.

O.A. No.470/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri S. Meshram, Id. Counsel holding for Shri J.M. Shamkuwar, Id. Counsel for the

applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

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

V.C.

dnk.

O.A. No.311/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri R.V. Shiralkar, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

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

V.C.

dnk.

O.A. No.621/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri R.V. Shiralkar, Id. Counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the Respts.

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

V.C.

dnk.

O.A. No.763/2013

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016..

Shri R.V. Shiralkar, Id. Counsel for the applicant, Smt. S.V. Kolhe, Id. P.O. for R-1 and Shri P.V. Thakre, Id. Counsel for R-2&3.

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

V.C.

dnk.

C.P. St.936/16 in O.A.182/09 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A.269/16 -

Heard Shri P.S. Gawai, Id. Counsel holding for Shri R.G. Kavimandan, Id. Counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for R-1. None for R-2&3.

The learned P.O. files communication dated 29-10-2016 (P-31) to the effect that the applicant is appointed vide order dated 6-10-2016. Thus the grievance of the applicant is redressed.

Accordingly, the C.A. is disposed of.

V.C.

dnk.

C.P. St.73/16 in O.A.315/14 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A.10/2016 -

Ms. A.S. Tiwari, Id. Counsel holding for Shri A.D. Hazare, Id. Counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

The learned P.O. submits that the part of the gratuity is remained to be paid for that two weeks' time is required.

At her request, **S.O. two weeks for disposal.**

V.C.

dnk.

C.P. St.394/16 in O.A.534/08 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A.100/2016 -

Heard Shri D.T. Shinde, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respts.

The learned P.O. files communication dated 11-11-2016 (P-36) to the effect that the proposal was sent to the A.G. Now the learned P.O. submits that the bill is after prepared and it is submitted to the Treasury on 15-11-2016 and as such the O.A. can be disposed of.

Consequently, the C.A. is disposed of.

V.C.

C.P. St.408/16 in O.A.122/10 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A.101/2016 -

Shri Bharat Kulkarni, Id. Counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

The learned P.O. submits that the W.P. is filed against the impugned order. The learned counsel for the applicant concedes the same.

S.O. six weeks.

V.C.

dnk.

C.P. St.507/16 in O.A.702/14 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A. 128/2016 -

Shri A.C.Dharmadhikari, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

The learned P.O. submits that SLP No.39955/2016 is preferred against the impugned order and also before the Hon'ble High Court.

S.O. Six weeks.

V.C.

C.P. St.634/16 in O.A.673/13 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A. 159/2016 -

Shri A.C.Dharmadhikari, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

At the request of Id. P.O., **S.O. four weeks for disposal.**

V.C.

dnk.

C.P. St.1092/16 in O.A.112/2015 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A. 281/2016 -

Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the Respts.

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

V.C.

dnk.

C.P. St.1116/16 in O.A.321/09 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A. 282/2016 -

Shri A.C. Dharmadhikari, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

At the request of Id. P.O., S.O. two weeks by way of last chance as she wants to prefer the W.P.

V.C.

dnk.

C.P. St.1561/16 in O.A.103/15 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A. 388/2016 -

Shri G.K. Bhusari, Id. counsel for the applicant, Shri Khadatkar, Id. P.O. for R-1 to 3 and Shri K.S. Malokar, Id. counsel for R-4&5.

The learned P.O. submits that the proposal sent to the A.G., was received back with some queries and now the queries are removed and the proposal is again re-submitted to the Govt. At his request, **S.O. four weeks for disposal.**

V.C.

dnk.

C.P. St.1591/16 in O.A.360/14 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A. 392/2016 -

Shri Vishal Anand, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the Respts.

The learned P.O. files separate reply on behalf of R-1 to 5 so also R-6. The same are taken on record. Copies are served to the learned counsel for the applicant. At his request, **S.O. two weeks.**

V.C.

dnk.

C.P. St.1837/16 in O.A.582/15 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A. 456/2016 -

None for the applicant. Shri Khadatkar, Id. P.O. for the Respts.

The learned P.O. submits that W.P. bearing no.6645/2016 is preferred against the impugned order.

S.O. Six Weeks.

V.C.

dnk.

C.P. St.1910/16 in O.A.369/16 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A. 473/2016 -

Shri Ghuge, Id. counsel holding for Shri D.A. Mahajan, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

The learned counsel for the applicant files Pursis (P-11) mentioning that the applicant wants to withdraw the C.A.

Accordingly, the C.A. is disposed of as withdrawn.

V.C.

dnk.

Cont. P.01/2016 in O.A.212/16 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

At the request of Id. P.O., S.O. four weeks by way of last chance.

V.C.

dnk.

Cont. P. St.2138/16 in O.A.496/16 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A.519/2016 -

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1.

2. The learned P.O. submits that the proposal is sent by the R/3 and the matter is now put up before the DGP, Mumbai (R/2).

3. On submission, Notice to R-2 on application be issued returnable in **three weeks**.

4. The learned P.O. waives notice for respondent no.1. Hamdast granted.
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 the O.A.
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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.
9. Since the respondents are getting more time, the C.A. can be disposed of.
10. **S.O. three weeks.**

V.C.

O.A.280/16 (D.B.)

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 1-12-2016.

C.A.523/16 -

Heard Shri P.S. Khubalkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

2. The applicant was not called for interview for the post of Scientific Officer (Group-B) by the MPSC. By the order of this Tribunal dated 6-5-2016 he was allowed to appear the interview.

3. However, the applicant files the communication dated 2-5-2016 (P-5) to the effect that the applicant was found eligible for interview. It is worthwhile to note that this letter dated 2-5-2016 i.e. prior to the passing of the order by the Tribunal dated 6-5-2016. Now the applicant wants to withdraw the O.A. with a liberty to file fresh O.A., if he is adversely affected.

4. With this, the C.A. as well as the O.A. stand disposed of, with liberty to avail the remedy if adversely affects.

V.C.

dnk.

O.A. No.489/2016

CORAM : S.S. Hingne : Vice-Chairman.

DATE : 1-12-2016

ORDER

Heard Shri G.G. Bade, Id. Counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

2. With consent of Id. Counsel for both the sides the matter is heard and decided at the stage of admission.

3. The order dtd. 7/7/2016 (Annex-A-1, page-12) is under challenge by which the applicant is transferred from Gadchiroli to Pune. Consequent to the appointment dtd. 11/1/2010 (Annex-A-2, page-17)

the applicant was working as a Junior Clerk and posted at Pune. He made the representation on 28/3/2013 (Annex.A-5, page-21) to transfer him in the Chandrapur District for his domestic difficulties and illness of the parents. Consequent to the representation, the applicant was transferred vide the order dtd. 27/5/2013 (Annex-A-7, page-23) in the Chandrapur District on the vacant post in the Nagpur Division. This transfer order was issued by the Govt. , School Education and Sports Department (R/1). Thereafter the Dy. Director of Education, Nagpur Division, Nagpur posted the applicant at Gadchiroli vide order dtd. 15/6/2013 (Page-25).

4. Thereafter the applicant again made the representation dtd. 16/6/2015 (Page-44) to the Commissioner of Education, Pune (R/2) to transfer him to his parent establishment. The respondents placed the applicant's matter of transfer before the Civil Services Board No. 2 and vide the communication dtd. 8/1/2016 the Dy. Director of Education, Nagpur intimated to the Commissioner about the approval of the proposal of transfer of the applicant to his parent division. Thereon the Govt. issued the transfer order dtd. 7/7/2016 transferring the applicant from Gadchiroli to the Divisional Dy. Director, Pune which is impugned in this petition.

5. The grudge and grievance of the applicant is that he has lost his seniority when he was transferred from Pune Division to Gadchiroli Division even though he had incurred it for reason of posting him at Chandrapur but he was not posted at Chandrapur. However he has not challenged the order of posting at Gadchiroli i.e. dtd. 15/6/2013. His other grievance is that now he has made the representation and asked the posting in the original post i.e. in the Director's office at Pune. However, by the impugned transfer order he is transferred to the office of the Divisional Dy. Director, Pune on the equivalent post. The applicant apprehends that he may be transferred at any place thereafter

and the very purpose of his representation will not be served.

6. Needless to mention that the employee cannot seek the posting at a particular place transfer being the incident of service. The parent department of the applicant is Education Department only because he was earlier working at the Directorate office at Pune but that does not mean that he cannot be transferred in the Dy. Director's office within that region. The possibility may be that the applicant will be transferred at any place but he cannot have such apprehensive grievance to get the relief. He is at liberty to challenge the order if any passed against his interest or affecting his right.

7. It is also contended that in the impugned order in column no. 4, the applicant's reason of the transfer is shown on original establishment on request. But the original establishment does not mean the office of Director. The original establishment is the parent department. Consequently the applicant cannot claim the transfer on the same post from which he was transferred. His case has no legs to stand when he has been posted on the equivalent post without adversely affecting his right anyway.

8. As a sequel to these reasons it is manifest that the case propounded by the applicant is devoid of any merit. In the result,

**the O.A. is rejected with no order as
to cost.**

(S.S. Hingne)

Vice-Chairman.

Skt.