

O.A. No.412/2022 (S.B.)

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

Dated : 15/06/2023.

Shri N.D. Thombre, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of learned P.O., **S.O.**
06/07/2023.

Vice Chairman

dnk.

**Rev.A.06/23 in C.A.178/20
in O.A. St.No.800/2020 (S.B.)**

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

Dated : 15/06/2023.

Shri S.K. Bhattacharya, Id. Counsel holding for Shri N.S. Warulkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 28/06/2023.**

Vice Chairman

dnk.

Rev.A.03/21 in O.A. No.184/2019 (S.B.)

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

Dated : 15/06/2023.

Shri S.K. Bhattacharya, Id. Counsel holding for Shri N.S. Warulkar, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1,2 & 4 and none for R-3.

At the request of learned counsel for the applicant, **S.O. 28/06/2023.**

Vice Chairman

dnk.

O.A. No.627/2017 (S.B.)

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

Dated : 15/06/2023.

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

At the request of learned counsel for the applicant, **S.O. 04/07/2023.**

Vice Chairman

dnk.

O.A. No.535/2020 (S.B.)

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

Dated : 15/06/2023.

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

At the request of learned counsel for the applicant, **S.O. 04/07/2023.**

Vice Chairman

dnk.

O.A. No.536/2020 (S.B.)

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

Dated : 15/06/2023.

Shri S.N. Gaikwad, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 04/07/2023.**

Vice Chairman

dnk.

O.A. No.1187/2022 (S.B.)

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

Dated : 15/06/2023.

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1&2. None for R-3.

At the request of learned counsel for the applicant, **S.O. 20/06/2023.**

Vice Chairman

dnk.

(S.B.)

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

Dated : 15/06/2023.

MCA 21/2023 in Rev.A.03/2020 in O.A.84/2019

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

2. This MCA was filed on 28/04/2023 seeking extension of time to comply the order dated 28/02/2023.

3. The learned counsel for the applicant strongly objected to extend time.

4. Looking to the submission, one month time is granted from today as a last chance. No further extension will be granted on any ground. The respondents are directed to comply the order.

5. In view of above, the MCA is disposed off. No order as to costs.

Vice Chairman

dnk.

Rev.A. 19/2022 in O.A. No.53/2019 (S.B.)

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

Dated : 15/06/2023.

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

2. The respondents have not filed reply.
3. List the matter for final hearing **on 5/7/2023.**
4. In the meantime, the respondents are at liberty to file reply.

Vice Chairman

dnk.

O.A. No.868/2022 (S.B.)

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

Dated : 15/06/2023.

Shri G.G. Bade, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 and Ms. A.R. Manhare, Id. Counsel holding for Shri H.D. Marathe, Id. Counsel for R-4 to 6.

2. At the request of Id. P.O. and learned counsel for R-4 to 6, **S.O., 5/7/2023** for filing reply.

Vice Chairman

dnk.

O.A. No.170/2023 (S.B.)

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

Dated : 15/06/2023.

Shri P.S. Kshirsagar, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.235/2023 (S.B.)

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

Dated : 15/06/2023.

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

At the request of learned P.O., **S.O. four weeks** for filing reply as a last chance.

Vice Chairman

dnk.

O.A. No.271/2023 (S.B.)

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

Dated : 15/06/2023.

Shri P.S. Kshirsagar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for respondent no.1. Await service of R-2&3.

2. The Id. Counsel for the applicant submits that he will file service affidavit during the course of day.

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

Vice Chairman

dnk.

O.A. No.301/2023 (S.B.)

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

Dated : 15/06/2023.

Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.306/2023 (S.B.)

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

Dated : 15/06/2023.

Smt. K.N. Saboo, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.348/2023 (S.B.)

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

Dated : 15/06/2023.

Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.360/2023 (S.B.)

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

Dated : 15/06/2023.

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

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

Vice Chairman

dnk.

O.A. No.361/2023 (S.B.)

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

Dated : 15/06/2023.

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

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

Vice Chairman

dnk.

O.A. No.461/2023 (S.B.)

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

Dated : 15/06/2023.

Shri A.N. Rangari, Id. Counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 4 and Shri D.N. Mudgale, Id. Counsel for R-6. None for R-5.

2. D.N. Mudgale, Id. Counsel has filed affidavit (reply) on behalf of R-6. It is taken on record.

3. At the request of Id. P.O., **S.O. 3/7/2023** for filing reply.

Vice Chairman

dnk.

O.A. No.462/2023 (S.B.)

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

Dated : 15/06/2023.

Shri Chande, Id. Counsel holding for S. Kulkarni, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

2. The Id. Counsel for applicant submits that the respondents are served and he will file service affidavit.

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

Vice Chairman

dnk.

O.A. No.464/2023 (S.B.)

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

Dated : 15/06/2023.

Heard Shri S.M. Khan, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

2. The Id. Counsel for applicant has pointed out the order dated 1/6/2023. This Tribunal has directed to the respondents to consider the representation dated 24/02/2023 till the returnable date i.e. today, but today nothing is placed on record by the Id. P.O.

3. The Id. P.O. is directed get instructions before the next date.

S.O. 19/6/2023.

Vice Chairman

dnk.

O.A. No.465/2023 (S.B.)

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

Dated : 15/06/2023.

Heard Shri S.M. Khan, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

2. The Id. Counsel for applicant has pointed out the order dated 1/6/2023. This Tribunal has passed the following order in para-3. Para-3 is reproduced as below –

“(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.”

3. The learned counsel for the applicant submits that the applicant is not relieved.

4. The Id. P.O. is directed get instructions about deciding the representation dated 28/02/2023 and as to whether the applicant is relieved or not.

S.O. 20/06/2023.

Vice Chairman

dnk.

O.A. No.529/2023 (S.B.)

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

Dated : 15/06/2023.

C.A. 264/2023 -

Heard Shri G.K. Bhusari, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. Shri R.M. Fating, Id. Counsel appears on behalf of respondent no.4.

2. Looking to the submission, the C.A. is allowed and disposed off. Necessary amendment be carried out within one week.

O.A. No.529/2023 –

Heard Shri G.K. Bhusari, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. Shri R.M. Fating, Id. Counsel appears on behalf of respondent no.4.

The respondents are directed to file reply positively within one week.

S.O. 22/6/2023.

Steno copy is granted.

Vice Chairman

dnk.

O.A. No.773/2019 (S.B.)

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

Dated : 15/06/2023.

Shri S.M. Khan, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned P.O., **S.O.**
04/07/2023.

Vice Chairman

dnk.

O.A. Nos.686 & 689 of 2021 (S.B.)

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

Dated : 15/06/2023.

Heard Shri Motlag, Id. Counsel holding for Shri R.V. Shiralkar, Id. Counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents. None for R-3 in O.A.689/2021.

2. As per the submission of learned counsel for the applicants, both the applicants are transferred in the last week. He wants to take instructions.

S.O. 23/6/2023.

Vice Chairman

dnk.

O.A. No.816/2021 (S.B.)

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

Dated : 15/06/2023.

Heard Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, Id. Counsel for the applicant, A.M. Khadatkar, Id. P.O. for R-1&2, Shri M.V. Bute, Id. Counsel for R-3. None for other respondents.

2. The applicant has filed this O.A. for direction to the respondents to transfer and post him either at Allopathic Dispensary, Gandhigram and Office of District Epidemic, Akola.

3. The learned P.O. has filed order dated 9/6/2023. It is marked Exh-X. As per this order, the applicant is transferred at Akola. Hence, the O.A. becomes infructuous.

4. In view of above, the O.A. is disposed off. No order as to costs.

Vice Chairman

dnk.

O.A. No.868/2021 (S.B.)

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

Dated : 15/06/2023.

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

At the request of learned counsel for the applicant, **S.O. 04/07/2023.**

Vice Chairman

dnk.

C.A. 115/2023 in O.A. No.838/2021 (D.B.)

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

Dated : 15/06/2023.

Herd Shri A.P. Khadatkar, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 4 & 11. None for other respondents.

2. As per submission of learned counsel for the applicant, the applicant has not received salary from 18/8/2021 to 27/8/2021.

3. The Id. P.O. is directed to get instructions and filed reply on the next date.

S.O. 30/6/2023.

Vice Chairman

dnk.

O.A. No.375/2023 (D.B.)

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

Dated : 15/06/2023.

None for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 to 5.

S.O. after four weeks.

Vice Chairman

dnk.

O.A. No.420/2023 (D.B.)

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

Dated : 15/06/2023.

Shri S.A. Marathe, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 4 and Shri N.D. Thombre, Id. Counsel holding for Deshpande, Id. Counsel for R-5.

At the request of Id. P.O. and Id. Counsel for R-5, **S.O. 3/7/2023** for filing reply.

Vice Chairman

dnk.

C.P. 18/23 in O.A. No.676/19 (D.B.)

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

Dated : 15/06/2023.

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

2. The respondents were directed to appoint the applicant within two months as per order dated 7/12/2022.

3. The respondents have not complied the order till date.

4. The learned P.O. seeks time to get instructions.

S.O. 30/06/2023.

Vice Chairman

dnk.

C.P. 22/23 in O.A. No.94/2020 (D.B.)

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

Dated : 15/06/2023.

Heard Shri N.B. Rathod, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The Id. P.O. has filed communication dated 14/06/2023. It is marked Exh-X for identification.

3. Looking to the communication dated 14/6/2023, one month time is granted as a last chance.

4. The Id. P.O. is directed to inform the respondents to comply the order within time. No further time will be granted.

S.O. after one month.

Steno copy is granted.

Vice Chairman

dnk.

O.A. No.365/2023 (D.B.)

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

Dated : 15/06/2023.

Heard Smt. K.N. Saboo, Id. Counsel holding for Shri N.R. Saboo, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

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

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Vice Chairman

dnk.

O.A. No.478/2023 (D.B.)

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

Dated : 15/06/2023.

Heard Shri G.G. Bade, Id. Counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

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

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Vice Chairman

dnk.

C.P. 45/2023 in O.A. No.221/2019 (D.B.)

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

Dated : 15/06/2023.

Heard B. Kulkarni, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue Notice to the respondents returnable **after four weeks** 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. The learned P.O. waives notice for State. Hamdast granted.

4. **S.O. after four weeks.**

Vice Chairman

dnk.

C.P. 72/2022 in O.A. No.181/2022 (D.B.)

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

Dated : 15/06/2023.

Heard S.P. Palshikar, Id. Counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The Id. P.O. has filed letter dated 24/3/2023. It is marked Exh-X for identification. As per this letter, sealed envelope is opened and promotion is not given.

3. The learned counsel for the applicant wants to get instructions from his client.

S.O. 28/6/2023.

Vice Chairman

dnk.

C.P. 88/2022 in O.A. No.798/2022 (D.B.)

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

Dated : 15/06/2023.

Heard S.P. Palshikar, Id. Counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The Id. P.O. has filed letter dated 14/6/2023. It is marked Exh-X for identification. As per this letter, the process of filing writ petition is going on.

S.O. 6/7/2023.

Vice Chairman

dnk.

O.A. No.532/2022 (D.B.)

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

Dated : 15/06/2023.

Heard S.M. Prasad, Id. Counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

S.O. after four weeks.

Vice Chairman

dnk.

*

O.A.No.749/2022 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. On oral request of ld. P.O., **S.O. three weeks for filing reply as last chance.**

Member (J).

rsm.

O.A.No.799/2022 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. Steps not taken. **S.O. four weeks.**

Member (J).

rsm.

O.A.No.922/2020 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. **S.O. three weeks.**

Member (J).

rsm.

O.A.No.1044/2022 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. Steps not taken. **S.O. three weeks.**

Member (J).

rsm.

Rev.A.No.12/2022 in O.A.No.468/2017 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri A.Motlog, ld. counsel for the applicant, Shri A.P.Potnis, ld. P.O. for the respondents 1 & 2 and Adv.M.Kadu, appearing for Shri N.S.Khandewale, ld. counsel for the respondent no.3.

2. Learned counsel for the applicant states that the respondents are served.

3. Learned P.O. and learned Advocate for respondent no.3 seek time to file reply.

4. **S.O. three weeks.**

Member (J).

rsm.

C.A.No.170/2023 in O.A.No.20/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri A.Motlog, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. Learned P.O. seeks time to file reply on C.A. for condonation of delay.

3. **S.O. 05.07.2023 for filing reply.**

Member (J).

rsm.

O.A.No.88/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. three weeks for filing reply.**

Member (J).

rsm.

O.A.No.199/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri R.M.Fating, ld. counsel for the applicant, Shri A.P.Potnis, ld. P.O. for the respondent no.1. None for the respondent no.2.

2. Learned counsel for the applicant submits that this matter be tagged with O.A.No.533/2023 since these two matters are connected. This O.A. be accordingly tagged with O.A.No.533/2023. The latter O.A. is stated to be kept on 28.06.2023 before the other Single Bench.

3. **S.O. 28.06.2023.**

Member (J).

rsm.

O.A.No.278/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Adv.C.R.Dhoke, holding for Shri A.P.Sadavarte, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. 30.06.2023 for filing reply.**

Member (J).

rsm.

O.A.No.279/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Adv.C.R.Dhoke, holding for Shri A.P.Sadavarte, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. 30.06.2023 for filing reply.**

Member (J).

rsm.

O.A.No.302/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Mrs.K.N.Saboo, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the State.

2. Learned counsel for the applicant prays for issuing notice against the respondent no.3. Respondent no.2 is stated to have been served. It is submitted that today service affidavit will be filed.

3. Issue fresh notice to the respondents, returnable **after three weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be

obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. after three weeks.**

Member (I).

rsm.

O.A.No.367/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. Learned counsel for the applicant states that the respondents are served.
3. Learned P.O. seeks time to file reply.
4. **S.O. three weeks.**

Member (J).

rsm.

O.A.No.372/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri H.Dangre, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents and Shri G.K.Bhusari, for Caveator(R/3).

2. Learned counsel for the applicant has invited attention to para 3 of reply of respondents 1 and 2 to submit that nothing survives in the O.A.. The O.A. is disposed of with no order as to costs.

Member (J).

rsm.

O.A.No.438/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents. Await service of respondent no.2.

2. Steps are not taken. **S.O. three weeks.**

Member (J).

rsm.

O.A.No.487/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Mrs.K.N.Saboo, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. Learned counsel for the applicant submits that respondents 2 and 3 are served and service affidavit is filed.
3. Learned P.O. seeks time to file reply.
4. **S.O. three weeks.**

Member (J).

rsm.

O.A.No.494/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Mrs.K.N.Saboo, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. Respondents are stated to have been served and service affidavit is filed.

3. On oral request of learned P.O., **S.O. three weeks for filing reply.**

Member (J).

rsm.

O.A.No.99/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. Reply of respondent no.2 filed by learned P.O. is taken on record. It is stated to be sufficient. The O.A. is admitted and kept for final hearing.
3. **S.O. second week of July.**
4. Issue of limitation is kept open.

Member (J).

rsm.

O.A.No.385/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

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

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

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

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

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

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

three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. after four weeks.**

Member (I).

rsm.

O.A.No.446/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

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

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

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

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

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

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

three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. after four weeks.**

Member (I).

rsm.

O.A.No.546/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

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

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

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

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

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

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. after four weeks.**

Member (I).

rsm.

O.A.No.571/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Adv.C.R.Dhoke, holding for Shri A.P.Sadavarte, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. On oral request of ld. counsel for the applicant, **S.O. 16.06.2023.**

Member (J).

rsm.

O.A.No.572/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Adv.C.R.Dhoke, holding for Shri A.P.Sadavarte, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. On oral request of ld. counsel for the applicant, **S.O. 16.06.2023.**

Member (J).

rsm.

O.A.No.577/2023 (S.B.)

Coram: Hon'ble Shri M.A.Lovekar,
Member (J)

Dated : 15/06/2023.

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

2. By order dated 14.06.2023, learned C.P.O. was asked to ascertain the factual position as to whether the applicant has been relieved or not. So far as this aspect is concerned it is submitted that no specific instructions in that behalf have been received from the concerned office. However, two communications dated 13.06.2023 are placed on record which are in respect of transfer of Ganesh Punjaji Warade and Ritesh Dyaneshwar Manohar. It is submitted that one of these persons shall occupy the post which was held by the applicant prior to his transfer. It is further submitted that this being the case the person who is to take place of the applicant would be a necessary party. I find merit in this submission.

3. It is the contention of learned counsel for the applicant that the impugned order disregards Section 5(1)(a) of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005. In reply it is submitted by the learned C.P.O. that as per G.R. dated 09.04.2018 period of one year to which reference is made in Section 5(1)(a) of the Transfer Act is to be reckoned from 31st May. It is not disputed that the applicant is going to retire at the end of June, 2024. He will complete 58 years on 06.06.2024. Thus, on the date of passing of the impugned order the remaining tenure of the applicant would exceed one year. It is submitted on behalf of the applicant that this year transfers are directed to be effected by the end of June and considering this aspect Section 5(1)(a) of the Transfers Act, 2005 shall be squarely attracted. I do not find merit in this submission.

4. On behalf of the applicant it is submitted that interim order be passed directing the respondents not to relieve the applicant / not to take any coercive action against him for a limited period within which the applicant intends to make a representation to accommodate him on the post which, as per instructions of the learned Advocate of the applicant, is still vacant. Said vacant post is stated to be at Police Training Centre, R.P.T.S., Nagpur. The applicant would be at liberty to make such representation. It is pointed out by the respondents that the applicant had

an opportunity to give appropriate options but instead of effectively exercising this option the applicant has in fact applied for his retention on the same post.

5. If the applicant makes a representation for suitably accommodating him on the vacant post at Nagpur, **respondent no. 3 shall decide such representation within two weeks from the date of receipt of the same.** The decision on the representation shall be communicated to the applicant immediately.

6. It is clarified that order dated 14.06.2023 directing the respondents not to relieve the applicant if he was not already relieved, was to subsist till today only.

7. Issue notice to the respondents, returnable **after three weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. **S.O. after three weeks.**

14. **Steno copy is granted.**

Member (I).

rsm.

O.A.No.578/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

2. Today learned C.P.O. has placed on record communication dated 15.06.2023 which shows that the applicant was relieved on 13.06.2023 itself.

3. Learned C.P.O. shall take instructions and make a statement regarding first line of communication dated 15.06.2023 which refers to "उपरोक्त सरनामा क. ३".

4. Issue notice to the respondents, returnable **after three weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

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

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. **S.O. after three weeks.**

11. **Steno copy is granted.**

Member (I).

rsm.

O.A.No.579/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. Issue notice to the respondents, returnable **after three weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. after three weeks.**

Member (I).

rsm.

O.A.No.27/2016 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. Learned counsel for the applicant seeks time of one week to take instructions & make a statement.

3. **S.O. 20.06.2023.**

Member (J).

rsm.

O.A.No.811/2016 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. **S.O. 03.07.2023.**

Member (J).

rsm.

O.A.No.541/2017 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri A.Motlog, holding for Shri R.V.Shiralkar, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents.

2. Learned P.O. desires to place on record some documents.

3. **S.O. two weeks.**

Member (J).

rsm.

O.A.No.67/2019 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri N.B.Rathod, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. On oral request of ld. P.O., **S.O. 22.06.2023 for hearing.**

Member (J).

rsm.

**O.A.No.765/2019 with O.A.No.799/2019
(S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri S.R.Deshpande, ld. counsel for the applicants and Shri H.K.Pande, ld. P.O. for the respondents.

2. **Closed for Orders.**

Member (J).

rsm.

O.A.No.583/2020 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. **S.O. two weeks.**

Member (J).

rsm.

O.A.No.659/2020 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. **S.O. next week.**

Member (J).

rsm.

**O.A.No.921/2020 with O.A.No.923/2020 with
O.A.No.924/2020 with O.A.No.925/2020
(S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. Learned counsel for the applicant has placed on record necessary details.

3. **Closed for Orders.**

Member (J).

rsm.

O.A.No.446/2021 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. **S.O. 20.06.2023 high on board.**

Member (J).

rsm.

O.A.No.848/2021 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. Learned P.O. seeks time till Monday to file some documents.

3. **S.O. 19.06.2023.**

Member (J).

rsm.

O.A.No.515/2022 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. **S.O. 21.06.2023.**

Member (J).

rsm.

O.A.No.713/2022 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. **S.O. 23.06.2023.**

Member (J).

rsm.

O.A.No.1129/2022 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

Heard Shri G.R.Diwe, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. **S.O. 04.07.2023.**

Member (J).

rsm.

O.A.No.584/2023 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,
Member (J)**

Dated : 15/06/2023.

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

2. The impugned order is dated 13.06.2023 (Annexure A-2) by which the applicant who is holding the post of Telephone Operator is transferred from District Hospital, Gadchiroli to District Hospital, Bhandara.

3. Learned C.P.O. has placed on record communication dated 13.06.2023 showing that pursuant to the order of transfer the applicant is already relieved on the same day. It is the grievance of the applicant that he has been unilaterally relieved and he has not handed over charge.

4. Grievance of the applicant is that he suffers from 75% permanent disability and it is a case of Locomotor Disability. He is relying on the following clause of G.R. dated 09.04.2018-

जे शासकाय कमचारो स्वतः अपंग आहेत :- अपंग व्यक्ती (समान संधी, संपूण सहभाग व हक्कांचे संरक्षण) अर्धानियम १९९५ व या संबंदात शासनाने वेळोवेळी निर्गमित केलेल्या आदेशानुसार जे कमचारो अपंग आहेत व यासंदर्भात ज्यांनी जिल्हा शल्य चिकित्सक तथा सक्षम प्राधिकार्याचे प्रमाणपत्र दि. ३० एप्रिल पूर्वा बदलो प्राधिकार्याकडे सादर केल्यास त्यांची प्रशासकाय सोयीनुसार व पद उपलब्धतेनुसार त्यांच्या सोयीच्या ठिकाणी बदलो करण्यात यावी.

The applicant has further relied on Circular dated 15.04.2004 which states-

आता या अनुषंगाने सुधारित सुचना देण्यात येत आहेत को, शासकाय सेवेतील अपंग कमचार्यांच्या बदल्या, शासनाने दि. १६.१.२००४ रोजी तसेच दिनांक २ जुलै २००४ रोजी प्रख्यापित केलेले अध्यादेश / बदल्यांचे नियम, यातील तरतुदास बाधा येणार नाही या अटीचे अधीन राहून त्यांच्या

राहत्या ठिकाणाजवळील कायालयात पदांची उपलब्धता आणि प्रशासकाय सोय लक्षात घेवून करता येतील.

5. In view of the fact that the applicant is already relieved, interim relief sought by him cannot be granted. However, if the applicant undertakes to make a representation necessary direction can be issued to the concerned authority to consider the same in the light of G.R. dated 09.04.2018 and Circular dated 15.12.2004.
6. On behalf of the applicant a statement is made that the applicant shall make a representation to respondent no. 2. In case such representation is made respondent no. 2 shall decide the same on its own merits and keeping in view aforequoted G.R. and Circular dated 09.04.2018 and 15.04.2012, respectively, **within two weeks from the date on which the representation is received by the respondent no. 2.**
7. Issue notice to the respondents, returnable **after three weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.
8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
9. 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.
10. 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.
11. 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.
12. 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.
13. **S.O. after three weeks.**

14. **Steno copy is granted.**

Member (J).

rsm.

O.A.No.583/2023 (S.B.)

Coram: Hon'ble Shri M.A.Lovekar,
Member (J)

Dated : 15/06/2023.

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

2. The impugned order of transfer is at page 23 (Annexure A-2). By this order the applicant who is holding the post of Office Superintendent has been transferred from District Hospital, Gadchiroli to District Hospital, Wardha.

3. Learned C.P.O. has placed on record copy of communication dated 13.06.2023 showing that the applicant is already relieved on that day (A.N.). It is the grievance of the applicant that he was relieved unilaterally and charge has not been handed over by him.

4. It is pointed out that the applicant had made a representation dated 20.04.2023 (Annexure A-1). It was contended that the same was not considered and this can be gathered from the fact that he came to be transferred by the impugned order.

5. The applicant is also relying on G.R. dated 09.04.2018. One clause of said G.R. reads as under-

(८) अवघड क्षेत्रातील बदलोपात्र कमचाऱ्याने, त्याची बदलाच्या ठिकाणाहून बदलो न करण्याची विनंती केल्यास संबंधित कमचाऱ्याची त्या ठिकाणाहून बदलो न करता कायरत पदावर त्यांना मुदतवाढ देण्यात यावी. मात्र, मुदतवाढ देण्यापूर्वी संबंधित कमचाऱ्याने त्या ठिकाणी समाधानकारक काम केले असून त्याच्या कामाबाबत कोणतीही तक्रार नाही, याची खात्री बदलो प्राधिकरणाने करणे आवश्यक राहिल. अशी मुदतवाढ जास्तीतजास्त ५ वर्षांच्या सेवा कालावधीपर्यंत राहिल. ५ वर्षापेक्षा अधिक सेवाकालावधी होत असल्यास संबंधित कमचाऱ्यांची ज्या पदावर कायरत आहे, त्या पदावरून पुढील सवसाधारण बदल्यांच्या वेळी बदलो करण्यात यावी.

6. Since the applicant is already relieved interim prayer made by him cannot be granted. However, respondent no.2 can be directed to consider representation dated 20.04.2023

(Annexure A-1) in the light of aforequoted clause of G.R. dated 09.04.2018. Respondent no.2 shall accordingly consider and decide the representation Annexure A-1 within two weeks from today.

7. Issue notice to the respondents, returnable **after three weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. **S.O. after three weeks.**

14. **Steno copy is granted.**

Member (I).

rsm.