

O.A. No.22/2019 (D.B.)

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

Dated : 28/03/2023.

Shri P.P. Khaparde, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.111/2019 (D.B.)

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

Dated : 28/03/2023.

None for the applicants. Shri A.M. Ghogre, learned P.O. for the respondents.

2. The learned P.O. files reply of R-5. It is taken on record.

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

Vice Chairman

dnk.

O.A. No.841/2019 (D.B.)

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

Dated : 28/03/2023.

Mrs. K.P. Wathore, learned counsel for the applicant and Shri A.M.Ghogre, learned P.O. for respondent no.1. Await service of R-2 to 4.

The service affidavit of R-2 to 4 is not filed.

The applicant to remove office objections.

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

Vice Chairman

dnk.

O.A. No.905/2019 (D.B.)

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

Dated : 28/03/2023.

C.A. No. 214/2020 in O.A. No.905/2019 -

Shri A.P. Adhe, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

2. As per the submission of learned P.O., departmental inquiry against the applicant is completed and he will get instructions about punishment awarded to the applicant.

S.O. three weeks.

Vice Chairman

dnk.

O.A. No.730/2021 (D.B.)

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

Dated : 28/03/2023.

C.A. 278/2021 -

Shri G.K. Bhusari, Id. Counsel holding for Mrs. S.V. Kolhe, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

The applicant to remove office objection.

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

Vice Chairman

dnk.

O.A. No.693/2022 (D.B.)

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

Dated : 28/03/2023.

Shri P.J. Mehta, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.966/2022 (D.B.)

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

Dated : 28/03/2023.

None for the applicant. Shri A.M. Ghogre, learned P.O. for the respondents.

2. The learned P.O. files reply of R-2. It is taken on record.

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

Vice Chairman

dnk.

O.A. No.1029/2022 (D.B.)

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

Dated : 28/03/2023.

Shri K.S. Malokar, learned counsel for the applicant, Shri A.M. Ghogre, learned P.O. for respondent nos.1 to 3 and Smt. M. Munshi, learned counsel for R-4.

2. As per the submission of learned counsel for the applicant, another O.A. No.115/2020 is pending before Single Bench.

S.O. two weeks.

Vice Chairman

dnk.

O.A. No.1067/2022 (D.B.)

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

Dated : 28/03/2023.

None for the applicant. and Shri A.M. Ghogre, learned P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.1244/2022 (D.B.)

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

Dated : 28/03/2023.

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

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

Vice Chairman

dnk.

O.A. No.36/2023 (D.B.)

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

Dated : 28/03/2023.

Shri R.V. Shiralkar, learned counsel for the applicant, Shri A.M. Ghogre learned P.O. for respondent nos.1 and 2 and Shri Ganorkar, Id. counsel holding for Shri Ingle, Id. counsel for R-3. R-3 filed reply.

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

Vice Chairman

dnk.

O.A. No.118/2023 (D.B.)

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

Dated : 28/03/2023.

Shri G.K. Bhusari, learned counsel for the applicant and Shri A.M. Ghogre, learned 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.151/2023 (D.B.)

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

Dated : 28/03/2023.

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

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

Interim relief to continue till filing reply.

Vice Chairman

dnk.

O.A. No.158/2023 (D.B.)

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

Dated : 28/03/2023.

Shri M.K. Mishra, learned counsel for the applicant and Shri A.M. Ghogre, learned 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.171/2023 (D.B.)

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

Dated : 28/03/2023.

C,A. 99/2023 -

Shri S.Y. Deopujari, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

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

Vice Chairman

dnk.

O.A. No.269/2023 (D.B.)

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

Dated : 28/03/2023.

Shri M.R. Patil, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

The applicant to remove office objections.

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

Vice Chairman

dnk.

O.A.Nos.120,121,122 & 123 of 2022 (D.B.)

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

Dated : 28/03/2023.

None for the applicants. Shri V.A. Kulkarni, Id. P.O. for respondent nos.1 and 2. None for private respondents.

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

Vice Chairman

dnk.

O.A. No.740/2021 (D.B.)

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

Dated : 28/03/2023.

Shri G.K. Bhusari, Id. counsel holding for Shri R.D. Hajare, learned counsel for the applicant and Shri V.A. Kulkarni, learned 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.1150/2022 (D.B.)

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

Dated : 28/03/2023.

Shri Dambhare, Id. counsel holding for
Shri Walde, Id. counsel for the applicants, Shri
V.A. Kulkarni, Id. P.O. for R-1&2 and Smt. Patil,
Id. counsel for R-3.

At the request of Id. counsel for R-3, **S.O.
two weeks** for filing reply.

Put up along with other connected
matter.

Vice Chairman

dnk.

O.A. No.1151/2022 (D.B.)

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

Dated : 28/03/2023.

Shri Dambhare, Id. counsel holding for
Shri Walde, Id. counsel for the applicants, Shri
V.A. Kulkarni, Id. P.O. for the respondents.

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

Put up along with other connected
matter.

Vice Chairman

dnk.

O.A. No.292/2023 (D.B.)

(Mrs. Anjali Satish Nagarkar Vs. State of Maharashtra & Ors.)

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

Vice Chairman.

Dated : 28/03/2023.

ORDER

Heard Shri V.G. Palshikar, learned counsel for the applicant, Shri V.A. Kulkarni, learned P.O. for respondent no.1 and Shri Anand Deshpande, learned counsel holding for Shri H.A. Rewatkar, learned counsel for respondent no.2 (Caveator).

2. The learned counsel for the applicant has filed additional affidavit of applicant. It is taken on record.

3. The reply on behalf of respondent no.2 is filed. It is taken on record.

4. The applicant is seeking interim relief to grant stay to the order dated 20/03/2023 by which her additional charge of the post of Director of Geology and Mining Department was withdrawn and respondent no.2 is directed to take additional charge. The applicant has approached to this Tribunal on the ground that she is holding the additional charge since 01/06/2021. She is continued the additional charge of the post of Director of Geology and Mining Department till date. Nobody challenged the said order of additional charge given to the applicant. Her original posting was Deputy Director of Geology and Mining Department at Kolhapur. Since last 15 years, she is working on the post of Deputy Director of Geology and Mining Department. She is the seniormost Officer in the Geology and Mining Department. It is the contention of applicant that additional charge cannot be given to the junior person. Respondent no.2 is junior to the applicant. He is promoted on the post of Deputy Director of Geology and Mining Department on 14/02/2023. The contention of the applicant is that she has not handed over the charge to respondent no.2. Being a seniormost on the post of Deputy Director of Geology and Mining Department, she is entitled to hold the additional charge of the post of Director of Geology and Mining Department at Nagpur. It is submitted by the applicant that the impugned order directing to hand over charge to respondent no.2 is illegal and therefore liable to be stayed.

5. The contention of the applicant is resisted by respondent nos.1 and 2. It is contention of respondent nos.1 and 2 that charge is already handed over to respondent no.2. It is contention of the respondents that due to administrative arrangement, temporary additional charge was given to the applicant and therefore she cannot claim that additional charge should be continued with her. It is the submission of respondents that because of the administrative exigency, the additional charge of the post of Director of Geology and Mining was given to respondent no.2. It is submitted by the side of respondent no.2 that the respondent no.2 is working at Nagpur as Deputy Director of Geology and Mining Department. As per the Circular, the charge is to be given to the local Officer, so that he should handle the additional charge after doing his regular work of his original post. It is submitted that regular posting of applicant is at Kolhapur and therefore she cannot handle the additional charge of the post of Director of Geology and Mining Department at Nagpur by discharging her original duties at Kolhapur. At last, submitted that interim relief cannot be granted.

6. Heard Shri V.G. Palshikar, learned counsel for the applicant. He has submitted that since last 15 years the applicant is working as Deputy Director of Geology and Mining Department. She is the seniormost Officer in the Department of respondent no.1. He has pointed out the seniority list. The learned counsel for applicant has submitted that the applicant was given additional charge of the post of Director of Geology and Mining Department at Nagpur, she is holding the said charge from 01/06/2021 till date. The learned counsel for applicant has submitted that the respondent no.2 is junior person and therefore additional charge cannot be given to the junior person. In support of his submission pointed out the decision of ***Hon'ble Punjab-Haryana High Court in the case of Shingara Chand and others Vs. Punjab Water Supply and Sewarage***, decided on 2nd February,2000. The learned counsel for applicant has submitted that without signing the C.T.C. the charge cannot be handed over. He has pointed out the Rule 31 of the Maharashtra Civil Services (General Conditions of Services) Rules,1981. The learned counsel for applicant has submitted that without any letter from the Secretary, charge cannot be handed over to respondent no.2. The applicant has filed affidavit and stated that she has not handed over the charge nor she has signed on C.T.C. The learned counsel submits that being a seniormost Officer, the applicant is entitled to hold additional charge at Nagpur on the post of

Director of Geology and Mining Department and therefore prayed to grant stay to the impugned order.

7. Heard learned P.O. for respondent no.1, Shri V.A. Kulkarni. He has submitted that the charge is already handed over to respondent no.2 on 20/03/2023. Therefore, interim relief cannot be granted.

8. Heard Shri Anand Deshpande, learned counsel for respondent no.2. He has pointed out the G.R. dated 05/09/2018 and submitted that as far as possible additional charge is to be given to the employee / officer who is working in the same office / station so that he can handle the additional charge by discharging his original duty also. The learned counsel for respondent no.2 has submitted that the regular posting of applicant is at Kolhapur. Therefore, it is not possible for her to do the work of additional charge at Nagpur by doing her regular work at Kolhapur. The distance between Nagpur and Kolhapur is about 900 Kms. The learned counsel for respondent no.2 has submitted that the temporary additional charge was given to the applicant. she cannot claim as of right that she should be continued on the said post. The learned counsel has submitted that being a administrative difficulties additional charge was given to her. The respondent no.2 is working at Nagpur. He is promoted on the post of Deputy Director of Geology and Mining. He is working at Nagpur, therefore, it is possible for him to handle the additional charge by discharging the duties of his original post. It is submitted that as of right, the applicant cannot claim that she should be continued at Nagpur on the additional charge of the post of Director of Geology and Mining Department. At last submitted that, interim relief cannot be granted. Moreover, the charge is already handed over. Hence, the O.A. itself is liable to be dismissed.

9. There is no dispute that the regular posting of applicant is at Kolhapur. The distance between Nagpur and Kolhapur is about 900 Kms. One Shri Kalamkar was retired on 30/09/2020. The Additional charge was given to one Shri Shekhar Chahande, Deputy Director of Geology and Mining Department, Nagpur. But Shri Shekhar Chahande was also retired on 31/05/2021. Therefore, as a stop-gap arrangement, the additional charge was given to applicant of the post of Director of Geology and Mining, Nagpur as per order dated 31/05/2021.

10. Nothing on record to show that the applicant is transferred from Kolhapur to Nagpur. There is no dispute that the original posting of applicant is at Kolhapur. It is a matter of

common sense that additional charge is to be handled by an employee or officer in addition to his original work and as per the Rules, that Officer or employee is entitled to get the additional pay. It is not possible for the applicant to discharge the duties of her original post at Kolhapur and to do the additional charge by discharging the duties of her original post. The respondent no.2 is working at Nagpur on the post of Deputy Director of Geology and Mining Department. Though he is junior to the applicant that does not mean that, he is not entitled to hold the additional charge. The Circular/ G.R. dated 05/09/2018 is very clear. The para-2 of the Circular/ G.R. dated 05/09/2018 is reproduced as under –

“२) उपरोक्त परिस्थिती विचारात घेऊन, अतिरिक्त कायभार कोणास देण्यात यावा यासंदर्भात खालीलप्रमाणे मागदशक सूचना देण्यात येत आहेत :-

१) महाराष्ट्र नागरी सेवा (वेतन) नियम, १९८१ मधील नियम ५६ नुसार शासकीय कमचाऱ्यांकडे त्याच्या स्वतःच्या पदाव्यतिरिक्त दुसऱ्या पदाचा अतिरिक्त कायभार सोपविण्यात येतो. असा हा दुसऱ्या रिक्त असलेल्या पदाचा अतिरिक्त कायभार, एकाच प्रशासकीय विभागांतगत, प्रशासकीय सोय व निकड लक्षात घेवून शक्यतो त्याच कार्यालयातील, त्याच संवगातील सवात सेवाज्येष्ठ, अनुभवी व कायक्षम अधिकारी/ कमचाऱ्यांकडे सोपविण्यात यावा. जेथे असे अधिकारी/कमचारी उपलब्ध नसतील तेथे संबंधित पदाला लगत असलेल्या निम्न संवगातील सवात ज्येष्ठ अधिकारी/ कमचाऱ्यांना अतिरिक्त कायभार देण्यात यावा. काही बाबीमुळे सवात ज्येष्ठ अधिकारी / कमचारी यांना डावलून नंतरच्या व्यक्तीला अतिरिक्त कायभार द्यावयाचा असेल तर सवात ज्येष्ठ व्यक्ती अतिरिक्त कायभारासाठी का अपात्र आहे त्याची लेखी कारणे अर्भाटिप्पणीत नमूद करावीत.

२) अतिरिक्त कायभार दिलेला अधिकारी/कमचारी, त्याच्या मूळ पदाच्या कतव्ये व जबाबदारीसह त्याच्यावर अतिरिक्त कायभार सोपवलेल्या पदाची कतव्ये व जबाबदाऱ्या पार पाडू शकेल याची संबंधितांनी खातरजमा करावी.

३) प्रशासकीय सोय व निकड लक्षात घेऊन, प्रशासकीय विभागाच्या अधिपत्याखालील कार्यालयातील रिक्त पदाचा अतिरिक्त कायभार देण्याकरिता, वरील (१) नुसार त्याच कार्यालयात अधिकारी/कमचारी उपलब्ध नसतील अशा वेळी, प्रशासकीय विभागास त्यांच्या अधिपत्याखालील अन्य कार्यालयातील त्याच संवगातील सेवाज्येष्ठ व अनुभवी अधिकारी/ कमचाऱ्यांचा विचार करता येईल. तसेच, जेथे एका जिल्ह्यात एकच कार्यालय असेल अशावेळी लागून असलेल्या जिल्ह्याच्या कार्यालयातील अधिकारी/ कमचाऱ्यांना अतिरिक्त कायभार देण्याबाबत विचार करता येईल. तथापि, असे करताना, अतिरिक्त कायभार दिलेला अधिकारी/कमचारी, त्याच्या मूळ पदाच्या कतव्ये व जबाबदारीसह त्या पदाची कतव्ये व जबाबदाऱ्या पार पाडू शकेल याची संबंधितांनी खातरजमा करावी.

४) विभागीय चौकशी सुरु असलेल्या अधिकारी/ कमचाऱ्यांस अतिरिक्त कायभार दिल्यामुळे त्याच्या स्वतःच्या विभागीय चौकशीवर प्रभाव पडण्याची वा विभागीय चौकशीमध्ये अडथळा आणण्याची शक्यता असल्यास, अशा अधिकारी/ कमचाऱ्यांना अतिरिक्त कायभार देण्यात येऊ नये.

५) अतिरिक्त कायभार दिलेले रिक्त पद तातडीने भरण्याची कायवाही संबंधित प्रशासकीय विभागाने करावी.

६) महाराष्ट्र नागरी सेवा (वेतन) नियम, १९८१ मधील नियम ५६ नुसार अतिरिक्त वेतन / विशेष वेतन देण्यासंदर्भात वित्त विभागाने वेळोवेळी दिलेल्या शासन आदेशानुसार प्रशासकीय विभागांनी कायवाही करावी.

३. सदर शासन परिपत्रकातील तरतूदांची अंमलबजावणी होईल याची सव प्रशासकीय विभागांनी दक्षता घ्यावी.

४. या शासन परिपत्रकान्वये प्रसूत केलेल्या सूचनांचा अंतर्भाव यथावकाश म.ना.से. (वेतन) नियम १९८१ मध्ये करण्याबाबत, वित्त विभागामार्फत स्वतंत्रपणे कायवाही करण्यात येईल. ”

11. The learned counsel for the applicant has submitted that additional charge should not be given to the junior person. In support of his submission pointed out the decision of **Hon'ble Punjab-Haryana High Court in the case of Shingara Chand and others Vs. Punjab Water Supply and Sewerage**. In the cited decision, it is not clear as to whether the senior person was working at the same station. If the senior person is available at the same station, then additional charge generally is to be given to the senior person. But in the present matter, though the applicant is senior, she is not working at Nagpur, her original posting is at Kolhapur. As per the G.R. cited above, it is clear that the additional charge is to be given to the person who is working at the station.

12. The plain meaning of additional charge as per common sense is that the person who holds additional charge, has to discharge the additional duties by discharging the duties of the original post. The posting of applicant is at Kolhapur. It is a matter of common sense that person who is working at Kolhapur at the distance of 900 Kms., cannot discharge the additional duties by discharging the duties of her original post. Therefore, the handing over charge to respondent no.2 cannot be said to be illegal in view of the G.R. dated 05/09/2018.

13. The learned counsel for respondent no.2 has pointed out the letter dated 23/03/2023 issued by the Government of Maharashtra. From the said letter it is clear that the respondent no.2 was already given additional charge of the post of Director of Geology and Mining, Nagpur on 20/03/2023. He was called for meeting at Mumbai on 24th and 25th March,2023. As per the submission of learned counsel for respondent no.2, the respondent no.2 attended the meeting in the Mantralaya on 24th and 25th March,2023 having additional charge of the post of Director of Geology and Mining Department. It appears that the charge is already handed over to respondent no.2. Moreover, the applicant cannot claim as of right stating that she should be continued at Nagpur on the additional charge of the post of Director of Geology and Mining Department, Nagpur, though she is posted at Kolhapur. The applicant cannot discharge her duties of two posts. The original posting of applicant is at Kolhapur and

she was having additional charge at Nagpur. There is nothing wrong in the impugned order to hand over the charge to respondent no.2.

14. The learned counsel has submitted that respondent no.2 was appointed as a Joint Director of Geology and Mining Department, but that order was quashed by this Tribunal. From the perusal of the order dated 25/03/2022 in O.A. No.1015/2021, it cannot be said that the said order was totally quashed and set aside, because, direction was given to the respondent nos.1 and 2 to constitute the Committee and verify the documents and if the documents are found true and correct, then the said order is to be continued. Therefore, this order is not helpful to the applicant.

15. The applicant cannot claim that her posting at Kolhapur should be continued and she should be allowed to discharge the duties at Nagpur on the additional charge of the post of Director of Geology and Mining Department. In fact, she wanted to stay at Nagpur without discharging duties at Kolhapur. Hence, the applicant is not entitled for interim relief.

16. With these findings, the interim relief as prayed by the applicant is hereby rejected.

S.O. three weeks.

Vice Chairman

*dnk.

O.A.No.759/2017 (S.B.)

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

Dated : 28/03/2023.

Heard Shri R.V.Shiralkar, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondent no.1 and Shri N.S.Khandewale, ld. counsel for the respondent no.5.

2. Reply of respondent no.2 filed by learned P.O. It is taken on record. Learned counsel for the respondent no.5 seeks time to file reply.

3. **S.O. three weeks.**

Member (J).

rsm.

O.A.No.908/2020 (S.B.)

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

Dated : 28/03/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Khadatkar, 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.84/2021 (S.B.)

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

Dated : 28/03/2023.

C.A.No.477/2022

Heard Shri A.P.Barahate, holding for Shri N.R.Saboo, ld. counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondent no.1 and Shri S.Majid, ld. counsel for the respondent no.2 and Shri R.V.Shiralkar, ld. counsel for the respondent no.3.

2. Learned P.O. seeks time to file reply for respondent no.1.

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

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

Member (J).

rsm.

O.A.No.116/2022 (S.B.)

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

Dated : 28/03/2023.

Heard Shri S.M.Bhagde, ld. counsel for the applicant and Shri A.M.Ghogre, 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.1111/2022 (S.B.)

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

Dated : 28/03/2023.

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

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

Member (J).

rsm.

O.A.No.02/2023 (S.B.)

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

Dated : 28/03/2023.

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

2. Reply of respondents 2 and 3 filed by learned P.O. It is taken on record. Said reply is stated to be sufficient. The O.A. is **admitted** and kept for final hearing.

3. **S.O. 18.04.2023.**

Member (J).

rsm.

O.A.No.12/2023 (S.B.)

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

Dated : 28/03/2023.

None for the applicant. Heard Shri A.M.Ghogre, ld. P.O. for the respondents. Await service to respondents 2 to 4.

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

Member (J).

rsm.

O.A.No.10/2023 (S.B.)

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

Dated : 28/03/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Ghogre, 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.11/2023 (S.B.)

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

Dated : 28/03/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Ghogre, 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.14/2023 (S.B.)

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

Dated : 28/03/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Ghogre, 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.15/2023 (S.B.)

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

Dated : 28/03/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Ghogre, 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.125/2023 (S.B.)

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

Dated : 28/03/2023.

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

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

3. Learned counsel for the applicant submits that this O.A. be tagged with O.A.No.1023/2022. The proceedings be accordingly tagged.

Member (J).

rsm.

O.A.No.137/2023 (S.B.)

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

Dated : 28/03/2023.

Heard Shri A.P.Barahate, holding for Mrs.K.N.Saboo, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

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

Member (J).

rsm.

O.A.No.196/2023 (S.B.)

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

Dated : 28/03/2023.

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

2. Learned counsel seeks time to file service affidavit.
3. Learned P.O. seeks time to file reply.
4. **S.O. four weeks.**

Member (J).

rsm.

O.A.No.66/2023 (S.B.)

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

Dated : 28/03/2023.

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

2. On oral request of ld. P.O., **S.O. 30.03.2023 for taking instructions and making a statement.**

Member (J).

rsm.

O.A.No.204/2023 (S.B.)

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

Dated : 28/03/2023.

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

2. In the O.A. the first prayer made by the applicant is as follows-

1) direct the respondent no.5 to transfer the applicant from Daryapur Office to Bhatkuli Office where the Nimtandar-1 post is lying vacant;

3. It is submitted by learned P.O. that the post at Bhatkuli to which there is a reference in aforequoted prayer clause was vacant was a considerable period and thereafter, it has been filled by order dated 20.02.2023 by promoting Shri Sunil Baliram Futane and Harsha Devidasrao Zalke.

4. Today the P.O. has placed on record recent communication (marked Exhibit-X for identification). In this communication, in last para it is mentioned-

सबब श्री मोहन ज्ञानेश्वर वानखेडे यांचे विनंती बदलीचे अनुषंगाने मा.न्यायालयाने दिनांक १५/११/२०२१ रोजी दिलेल्या निर्णयानुसार अमरावती येथे निमतानदार पद रिक्त ठेवण्यात आलेले आहे. वरील बाब मा.न्यायालयाचे निदर्शनास आणून देणेस विनंती आहे.

5. On behalf of the applicant it is submitted that since post of Nimtandar at Amravati is lying vacant the respondents be directed to transfer the applicant to the said post immediately. In reply, it is submitted by the P.O. that the applicant can be posted on this vacancy at the time of forthcoming Annual General Transfers. In view of said statement made by the P.O. the O.A. can be disposed of. **Claim of the applicant for being appointed to the vacant post of Nimtandar at Amravati shall be positively considered by respondent no.5 at the time of forthcoming Annual General Transfers. With these directions the O.A. is disposed of.**

Member (J).

rsm.

O.A.No.297/2023 (S.B.)

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

Dated : 28/03/2023.

C.A.No.140/2023

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

2. Perused contents of the application and record.
3. For the reasons stated in the application C.A. is allowed. Amendment shall be carried out within two weeks.

O.A.No.297/2023

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

2. Issue notice to the respondents, returnable **after three 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.

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

Member (I).

rsm.

O.A.No.334/2022 (S.B.)

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

Dated : 28/03/2023.

C.A.No.352/2022

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

2. Learned P.O. seeks time to file reply to the C.A. as well as O.A.
3. **S.O. 12.04.2023 as last chance.**

Member (J).

rsm.

O.A.No.474/2022 (S.B.)

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

Dated : 28/03/2023.

Heard Shri M.R.Rajgure, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondent no.1 and Shri T.M.Zaheer, ld. counsel for the respondents 2 and 3.

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

Member (J).

rsm.

O.A.No.475/2022 (S.B.)

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

Dated : 28/03/2023.

Heard Shri M.R.Rajgure, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondent no.1 and Shri T.M.Zaheer, ld. counsel for the respondents 2 and 3.

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

Member (J).

rsm.

O.A.No.34/2023 (S.B.)

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

Dated : 28/03/2023.

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

2. On oral request of ld. P.O., **S.O. 30.03.2023** for taking instructions and making a statement.

Member (J).

rsm.

O.A.No.273/2023 (S.B.)

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

Dated : 28/03/2023.

Heard Shri B.Kulkarni, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. 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.

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

Member (I).

rsm.

O.A.No.941/2019 (S.B.)

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

Dated : 28/03/2023.

None for the applicant. Heard Shri
M.I.Khan, Id. P.O. for the respondents.

2. **S.O. four weeks.**

Member (J).

rsm.

O.A.No.556/2022 (S.B.)

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

Dated : 28/03/2023.

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

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

Member (J).

rsm.

**O.A.No.445/2015 with O.A.No.446/2015 with
O.A.No.447/2015 (S.B.)**

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

Dated : 28/03/2023.

Heard Shri N.B.Bargat, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents 1 to 3 & 5, Shri M.Bute and Shri B.N.Jaipurkar, ld. counsel for the respondent no.4.

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

Member (J).

rsm.

**O.A.No.637/2016 with O.A.No.638/2016
(S.B.)**

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

Dated : 28/03/2023.

Heard Shri G.N.Khanzode, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. **S.O. 18.04.2023.**

Member (J).

rsm.

O.A.No.301/2018 (S.B.)

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

Dated : 28/03/2023.

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

2. **S.O. 12.04.2023.**

Member (J).

rsm.

O.A.No.797/2018 (S.B.)

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

Dated : 28/03/2023.

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

2. **S.O. 18.04.2023.**

Member (J).

rsm.

O.A.No.1017/2018 (S.B.)

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

Dated : 28/03/2023.

Heard Shri D.M.Kakani, ld. counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondents 1 & 2, Shri K.S.Malokar, ld. counsel for the respondent no.3 and Shri A.P.Tathod, ld. counsel for the respondent no.4.

2. **S.O. 13.04.2023.**

Member (J).

rsm.

O.A.No.608/2019 (S.B.)

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

Dated : 28/03/2023.

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

2. Reply of respondent no.1 filed by learned P.O. It is taken on record.

3. **S.O.29.03.2023.**

Member (J).

rsm.

O.A.No.1051/2019 (S.B.)

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

Dated : 28/03/2023.

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

2. **S.O. 12.04.2023.**

Member (J).

rsm.

O.A.No.418/2021 (S.B.)

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

Dated : 28/03/2023.

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

2. **S.O. 11.04.2023.**

Member (J).

rsm.

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

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

Dated : 28/03/2023.

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

2. **S.O. 12.04.2023.**

Member (J).

rsm.

O.A.No.712/2021 (S.B.)

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

Dated : 28/03/2023.

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

2. **Closed for Orders.**

Member (J).

rsm.

O.A.No.73/2022 (S.B.)

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

Dated : 28/03/2023.

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

2. On oral request of ld. counsel for the applicant., **S.O. two weeks for filing rejoinder.**

Member (J).

rsm.

O.A.No.324/2022 (S.B.)

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

Dated : 28/03/2023.

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

2. Perused pursis.
3. The O.A. is allowed to be withdrawn as prayed and disposed of.

Member (J).

rsm.

O.A.No.576/2022 (S.B.)

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

Dated : 28/03/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents 1 to 4 and Shri V.R.Deshpande, ld. counsel for the respondent no.5 (Intervenor).

2. On oral request of ld. counsel for the applicant, **S.O. 11.04.2023 for final hearing. On that day matter shall be heard finally without fail.**

Member (J).

rsm.

O.A.No.827/2022 (S.B.)

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

Dated : 28/03/2023.

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

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

Member (J).

rsm.

O.A.No.856/2022 (S.B.)

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

Dated : 28/03/2023.

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

2. **S.O. 13.04.2023.**

Member (J).

rsm.

O.A.No.912/2022 (S.B.)

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

Dated : 28/03/2023.

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

2. **Closed for Orders.**

Member (J).

rsm.

O.A.No.1082/2022 (S.B.)

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

Dated : 28/03/2023.

Heard Shri N.D.Thombre, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. **S.O. 12.04.2023.**

Member (J).

rsm.

O.A.No.1138/2022 (S.B.)

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

Dated : 28/03/2023.

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

2. On oral request of ld. P.O., **S.O.**
13.04.2023.

Member (J).

rsm.

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

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

Dated : 28/03/2023.

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

2. **S.O. 13.04.2023.**

Member (J).

rsm.

O.A.No.736/2020 (S.B.)

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

Dated : 28/03/2023.

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

2. Reply of respondent no.3 filed by learned P.O. It is taken on record.

3. **S.O. 10.04.2023.**

Member (J).

rsm.

O.A.No.551/2021 (S.B.)

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

Dated : 28/03/2023.

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

2. Reply of respondent no.4 filed by learned P.O. It is taken on record.

3. **S.O. 13.04.2023.**

Member (J).

rsm.

**O.A.No.921/2020 with O.A.No.922/2020 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 : 28/03/2023.

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

2. **S.O. 11.04.2023.**

Member (J).

rsm.

O.A.No.944/2022 (S.B.)

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

Dated : 28/03/2023.

Heard Shri S.P.Bhandarkar, ld. counsel for the applicant, Shri M.I.Khan, ld. P.O. for the respondents 1 to 3, Shri T.U.Tathod and Shri N.B.Kalwaghe, ld. counsel for the respondent no.4. (Caveator) and Shri S.G.Malode, ld. counsel for the Intervenor.

2. **S.O. 31.03.2023 for final hearing.**

Member (J).

rsm.

O.A.No.944/2022withC.A.No.124/2023 (S.B.)
Smt. M.M.Madavi Vs. State of Maharashtra & 3 Ors.
Coram:Shri M.A.Lovekar, Member (J)
Dated : 28/03/2023.

Heard Shri S.C.Malode, ld. counsel for the proposed intervenor, Shri S.P.Bhandarkar, ld. Counsel for the original applicant, Shri M.I.Khan, ld. P.O. for the respondents 1 to 3 and Shri N.B.Kalwaghe, ld. Counsel for the respondent no. 4.

2. It is the contention of the proposed intervenor:-

“The Original Applicant in the present proceeding may misguide this Hon'ble Court by placing distorted facts and may withhold some relevant information from this Hon'ble Court and the Presenting officer may not have received complete factual background or might have lost sight of some relevant material and therefore such facts may not come to the notice of this Hon'ble Court. In order to place the relevant facts and the real intention and the hidden oblique motive of the original applicant behind filing the present proceeding before this Hon'ble Court and the reasons for praying the cancellation of the impugned transfer order dated 20.09.2022 so as to somehow resume the charge of the post of Chief Officer, Municipal Council, Yavatmal, the intervener wants to intervene in this matter and assist the presenting officer attached to this Hon'ble Court and entrusted with this case, in opposing this application before this Hon'ble Court.”

3. In para no. 8 of the application the proposed intervenor has referred to contents of chargesheet served on the original applicant. According to the proposed intervenor instant O.A. is filed so that the applicant may go back to her previous post and cover up huge financial irregularities committed by her.

4. This application is opposed by the original applicant on the ground that the proposed intervenor cannot be said to be a person aggrieved and hence the application is liable to be rejected. In support of this contention the original applicant has relied on **Ayaubkhan Noorkhan Pathan Vs. State of Maharashtra & Ors. (2013) 4 SCC 465**. In this case it is held:-

“In view of the above, the law on the said point can be summarised to the effect that a person who raises a grievance, must show how he has suffered legal injury. Generally, a stranger having no right whatsoever to any post or property, cannot be permitted to intervene in the affairs of others.”

“A “legal right”, means an entitlement arising out of legal rules. Thus, it may be defined as an advantage, or a benefit conferred upon a person by the rule of law. The expression, “person aggrieved” does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must therefore, necessarily be one, whose right or interest has been adversely affected or jeopardised. (Vide: Shanti Kumar R. Chanji v. Home Insurance Co. of New York and State of Rajasthan v. Union of India).”

The original applicant has also relied on **Raju Ramsingh Vasave Vs. Mahesh Deorao Bhivapurkar & Ors. (2008) 9 SCC 54**. In this case it is held:-

“Validity of appointment or otherwise on the basis of a caste certificate granted by a committee is ordinarily a matter between the employer and the employee.”

It was submitted on behalf of the original applicant that the aforequoted ratio will apply to the case since the matter of transfer is a matter between the employer and the employee. It may be mentioned that respondent no. 4 who may be affected if the O.A. is allowed, is already impleaded.

In **Dr. Duryodhan Sahu & Ors. Vs. Jitendra K. Mishra & Ors. (1998) 7 SCC 273**. It is held :-

“Our attention has been drawn to a judgement of the Orissa Administrative Tribunal in Smt. Amitarani Khuntia Versus State of Orissa 1996. (1) OLR (CSR)-2. The Tribunal after considering the provisions of the Act held that a private citizen or a stranger having no existing right to any post and not intrinsically concerned with any service matter is not entitled to approach the Tribunal. The following passage in the judgement is relevant: “A

reading of the aforesaid provisions would mean that an application for redressal of grievances could be filed only by a 'person aggrieved' within the meaning of the Act.

Tribunals are constituted under Article 323 A of the Constitution of India. The above Article empowers the Parliament to enact law providing for adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or any local or other authority within the territory of India or under the control of the Government and such law shall specify the jurisdiction, powers and authority which may be exercised by each of the said Tribunals. Thus, it follows that Administrative Tribunals are constituted for adjudication or trial of the disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts. Its jurisdiction and powers have been well-defined in the Act. It does not enjoy any plenary power"

It may be observed that the proposed intervenor has tried to build his case on what can only be described as conjectures and surmises having no discernible foundation in facts.

5. Legal position laid down in the above referred rulings clearly shows that this application for intervention deserves to be rejected. It is accordingly rejected.

Date:- 28/03/2023.
aps.

Member (J)