

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**M.A.No.304/2023 in
O.A. (STAMP)NO.621/2023 (Aurangabad Bench)**

Prashant S. Auti)
R/at. Malli Galli, At Post Tal. Ausa)
Dist. Latur) **....Applicant**

Versus

1. The State of Maharashtra)
Through the Additional Chief)
Secretary, Public Works Department)
Mantralaya, Mumbai .)
2. The State of Maharashtra,)
Through the Secretary,)
Public Works Department,)
Mantralaya, Mumbai.)
3. The Municipal Council, Ausa,)
District Latur,)
Through its Chief Officer,)
4. The Mukteshwar Primary Vidya)
Mandir School, Ausa, Dist. Latur)
Through Head Master) **....Respondents.**

Mr. A.S. Karlekar, learned Advocate for the Applicant

Mr. A.J. Chougule, learned Presenting Officer for the Respondents

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 28.04.2023.

J U D G M E N T

1. M.A.No.304/2023 is moved by learned Advocate Mr. Karlekar with permission to continue / proceed with the O.A.(St)No.621/2023 filed at M.A.T. Bench Aurangabad before the same bench at Aurangabad as per Rule 6(iii) of the Administrative Tribunals, Rules 1988 read with Section 25 of the Administrative Tribunals Act, 1985. Applicant is currently posted as Chief Engineer, Public Works Region, Nashik seeks change in his date of birth which was erroneously recorded in his service record.

2. Learned Advocate has submitted that O.A. Stamp No.621/2023 is filed before M.A.T. Bench Aurangabad. However, objection is raised by Registrar, M.A.T. Bench Aurangabad on the ground of territorial jurisdiction. Though the notice was issued by the Hon'ble Presiding Judge, Justice Shri P.R. Bora, Hon'ble Vice-Chairman by order dated 19.04.2023 in O.A.St.No.621/2023, applicant submits that he is posted at Nashik, so his service record is at Nashik hence he wants to pursue the present O.A. at M.A.T., Bench Aurangabad. He submits that Party-Respondent No.3, the Municipal Council, Ausa and Party-Respondent No.4 Mukteshwar Primary Vidya Mandir School, Ausa, District Latur, as well as birth of the applicant is in village i.e. Ausa. Learned Advocate has further submitted that the Applicant belongs to the same village and has studied in the said school, therefore he has moved this M.A. for transfer under Section 25 of the Administrative Tribunals Act, 1985. He has further relied on Rule 6(iii) of the Administrative Tribunals, Rules 1988 which reads as below :

“6(iii) the respondent or any of the respondents against whom relief is sought, ordinarily resides :

Provided that the application may be filed with the Registrar of the Principal Bench and subject to section 25 of the Act, such application may be transmitted to be heard and disposed of by the Bench which has jurisdiction over the matter.”

3. Learned P.O. Mr. Chougule while opposing the submissions of learned Advocate has submitted that this M.A. cannot be entertained strictly under Section 25 of the said Act as the powers of the Chairman are in respect of transfer of the case from one Bench to another and the learned Advocate has already filed O.A. at M.A.T. Bench Aurangabad and he wants to keep that O.A. there only, so it does not amount to transfer.

4. In view of the submissions of learned Advocate and learned P.O. it is correct that it is not the matter of transfer strictly under Section 25 of the said Act. However, it is the matter of maintainability of the O.A. on the ground of territorial jurisdiction. Already O.A. is filed by learned Advocate before M.A.T. Bench Aurangabad and thus, the said Tribunal is in the seizure of the matter. Any objection raised either by the Registrar or by the opponent, the same is to be placed before Hon'ble Vice-Chairman who is dealing with the matter and the Hon'ble Vice-Chairman personally may deal with the issue accordingly to the rules and give necessary directions to the Registrar, M.A.T. Bench Aurangabad.

5. With above, directions M.A. stands disposed of.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

prk