

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 325/2016

Ashish s/o Chandrakant Poreddiwar,
Aged about 31 years, Occ. Service,
R/o Behind Sadiq Company, at post Navegaon,
Tah. & Distt. Gadchiroli.

Applicant.

Versus

- 1) State of Maharashtra
through its Secretary,
Revenue Department,
Mantralaya, Mumbai-32.
- 2) The Collector, Gadchiroli,
Complex Area, Gadchiroli-442605.
- 3) The Sub-Divisional Officer, Gadchiroli,
Tah. & Distt. Gadchiroli.
- 4) Shri P.C. Kulsange,
Aged about Major, Occ. Service,
Office at Tahsil office, Korchi,
Distt. Gadchiroli.

Respondents

Shri P.J. Mehta, Advocate for the applicant.

Shri M.I. Khan, P.O. for the respondent nos. 1 to 3.

None for R-4.

Coram :- Hon'ble Shri R.B. Malik, Member (J).

Dated :- 08/02/2017.

ORAL ORDER -

Heard Shri P.J. Mehta, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

2. This O.A. challenges the order dated 31-05-2016, whereby the applicant a Driver came to be transferred to Korchi from Gadchiroli.

3. I have perused the record and proceedings and heard Shri P.J. Mehta, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3.

3. A very detailed discussion of the facts may be out of place in view of the discussion to follow. It would be suffice to mention that the applicant is questioning his transfer and on his request upon the order made by this Tribunal his representation was considered pending the O.A. and rejected. Shri Mehta, Id. counsel for applicant in all fairness now submits that the passage of time it is possible that the circumstance may have changed and he should be permitted to make a fresh representation which should be considered afresh by the concerned authority. Although initially the learned P.O. was somewhat hesitant and he pointed out the contents of para-10 of the affidavit-in-reply in my opinion the State is not on a firm footing as for as the facts pleaded therein are concerned and therefore the request

of the learned counsel for the applicant has to be allowed in disposing of this O.A.

4. The applicant to make representation within a period from four weeks from today and thereupon the respondents shall take an appropriate decision after taking into consideration all aspects of the matter within a period of six weeks and communicate the decision of the applicant within one week thereafter. Needless to say that right of the applicant to challenge any order if considered adverse is kept reserved.

5. The O.A. is disposed of in this term, with no order as to costs.

6. Steno copy be provided to the ld. counsel for the parties.

(R.B.Malik)
Member (J).

dnk.