

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

**ORIGINAL APPLICATION NO.248 OF 2020 WITH
MISCELLANEOUS APPLICATION NO.186 OF 2020**

Dr. Smt. Neelam Vikram Patil,)
Aged 41 years, working as Chief Officer,)
Chakan Municipal Council,)
Tal : Khed, Dist. Pune.)
R/at. Somnath Kautkar,)
A/p. Chakan (Rakshewadi))
Tal. Khed, Dist. Pune)

Address for service of Notice.
Shri Arvind V. Bandiwadekar, Advocate)
Having office at 9, "Ram-Kripa" Lt. Dilip Gupte Marg,)
Mahim, Mumbai 400 016)

....Applicant

Versus

1. The District Collector,)
Pune, having office at Pune.)
2. The State of Maharashtra,)
Through Principal Secretary,)
Urban Development Department,)
Having office at Mantralaya,)
Mumbai 40 0032)

...Respondents.

Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant.

Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents

Smt. Punam Mahajan, learned Advocate for the Applicant/ intervention in M.A.No.186/2020

CORAM : SHRI A.P. KURHEKAR, MEMBER(J)

DATE : 21.07.2020.

J U D G M E N T

1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Smt. Punam Mahajan, learned Advocate for the Applicant/ intervention in M.A.No.186/2020.
2. Applicant was serving as Chief Officer, Chakan Municipal Council. However, by order dated 15.05.2020 passed by Collector, Pune, Applicant's services were directed to be availed to the office of Collector, Pune. Applicant has challenged order dated 15.05.2020 contending that it amounts to transfer in contravention of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Transfer Act 2005' for brevity).
3. This Tribunal by order dated 04.06.2020 granted interim relief in terms of Clause 10(a) of O.A. having found that prima facie, Collector has no jurisdiction to pass such order.
4. Surprising despite stay order passed by this Tribunal dated 04.06.2020 the Government has passed order dated 06.07.2020 thereby posting Shri Nanasaheb D. Kamthe in place of the Applicant as Chief Officer Municipal Council Chakan.
5. On the above background, learned Advocate contends that the order dated 06.07.2020 is illegal and Respondent No.2 has committed contempt of the order of the Tribunal. In view of the above, this Tribunal has passed order on 14.07.2020 expressing surprise how despite stay order Government has passed order dated 06.07.2020 and expressed opinion, prima facie, it contempt of the order passed by this Tribunal.
6. It is on the above background matter is taken up today for hearing to decide further course of action about initiation of contempt proceedings. However, learned C.P.O. submits that to avoid further legal complication Collector, Pune at his own has withdrawn the order dated 15.05.2020 and tendered copy of order passed by the Collector dated 21.07.2020. It is taken on record and marked by letter 'X'.

7. As regard contempt of order dated 06.07.2020, learned C.P.O. submits that Government will take remedial measures to cancel the order dated 06.07.2020 but it may take some time in view of the COVID-19 pandemic situation. As such in view, of the statement made by learned C.P.O. there is no need to go ahead in the matter of contempt of the order of the Court. Respondent No.2 shall take remedial measures within a reasonable time.

8. As the order dated 15.05.2020 has been withdrawn by the Collector, now the applicant is required to be reinstated as Chief Officer, Chakan Municipal Council and thereafter only Respondent No.2 may transfer her in accordance to law, if thinks so.

9. For the aforesaid reasons M.A.No.186/2020 for intervention does not survive and accordingly disposed of.

10. It is desirable that applicant be reinstated without loss of time and it should be done at the earliest.

11. O.A. is also disposed of for the aforesaid reasons with no order as to costs.

Sd/-
(A.P. Kurhekar)
Member(J)

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