

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NOS.583, 585 & 586 OF 2020

DISTRICT : PUNE/THANE

ORIGINAL APPLICATION NO.583 OF 2020

Shri Bhaskar R. Lokhande.)
Age : 47 Yrs., Occu.: Service and residing)
at Ghodegaon, Tal.: Ambegaon,)
District : Pune.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through the Secretary,)
Tribal Development Department,)
Mantralaya, Mumbai – 400 032.)
2. Tribal Development Department,)
Having Office at Adivasi Vikas)
Bhawan, 1st Floor, Old Agra Road,)
Nashik – 422 002.)
3. The Additional Tribal Development)
Commissioner, Mahanagar)
Telephone Nigam Limited Premises,)
Wagale Estate, Road No.9,)
Thane (West).)...**Respondents**

WITH

ORIGINAL APPLICATION NO.585 OF 2020

Shri Mohan P. Desale.)
Age : 51 Yrs., Occu.: Service and residing)

at 403, Aratijyot Apartment,)
Vayale Nagar, Khadap Pada, Kalyan (W),)
District : Thane.)...**Applicant**

Versus

1. The State of Maharashtra & 2 Ors.)...**Respondents**

AND

ORIGINAL APPLICATION NO.586 OF 2020

Shri Pravin U. Gadave.)
Age : 30 Yrs., Occu.: Service and residing)
at Ghodegaon, Tal.: Ambegaon,)
District : Pune.)...**Applicant**

Versus

1. The State of Maharashtra & 2 Ors.)...**Respondents**

Mr. L.S. Deshmukh, Advocate for Applicant.

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

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 09.03.2021

JUDGMENT

1. Heard Shri L.S. Deshmukh, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicants are serving as Teacher in Ashram's Schools. The Applicant in O.A.No.583/2020 and 585/2020 are Teachers in Secondary Ashram School whereas Applicant in O.A.No.586/2020 is Teacher in Primary Ashram School.

3. The Applicants have filed the present O.As being aggrieved by the transfer order dated 17.07.2020 passed by Respondent No.3 – Additional Commissioner, Tribal Development, Thane.

4. During the course of hearing of these O.As, the learned Advocate for the Applicants has pointed out that indeed, the Hon'ble Minister, Tribal Development by his letter dated 07.08.2020 (Page No.110 of P.B.) has stayed the transfer orders of entire State to avoid inconvenience to the Teachers in view of Covid-19 pandemic situation. The directions were complied with by Divisional Commissioner except Respondent No.3. Resultantly, in view of transfer orders dated 17.07.2020, the Applicants' transfer was not stayed or cancelled.

5. In view of above, directions were given to Secretary, Tribal Development Department to file Affidavit about the validity of order passed by Hon'ble Minister. Today, he filed Affidavit admitting stay order passed by Hon'ble Minister. However, he states that Respondent No.3 did not stay or cancel the transfers since the Teachers have already joined at the place where they are transferred.

6. Thus, the situation is such that at one side, there is order of Hon'ble Minister staying the transfer orders, on the other hand, Respondent No.3 had already implemented the transfer orders.

7. Indeed, in view of order of Hon'ble Minister, the Respondent No.3 was required to pass further appropriate orders, but the same was not done.

8. Today, when the matter is again taken up for hearing, the learned P.O. made a statement that some places are still vacant and Applicants will be accommodated at these places, if convenient to them if it is agreeable to the Applicants. He has tendered e-mail dated 9th March, 2021 on record. It is taken and marked by letter 'X'.

9. Shri L.S. Deshmukh, learned Advocate for the Applicants on instructions from the Applicants made a statement that Applicants are ready to accept the posts which are shown in letter dated 9th March, 2021.

10. In view of above, the learned Advocate for the Applicants as well as learned P.O. submits that O.A. be disposed of with suitable directions in view of willingness of the Applicants to accept the posting as proposed in letter dated 9th March, 2021.

11. In so far as Applicants in O.A.No.583/2020 and 585/2020 are concerned, one post of Teacher is vacant at Rajpur (Science) Project, Ghodegaon, Tal. Ambegaon, District Pune and at Bhinar (General Subject) Project Shahapur, Tal. Shahapur, District Thane respectively.

12. Insofar as Applicant in O.A.No.586/2020 is concerned, one post of Teacher at Hatkale Project Ghodegaon, District Ambegaon, District Pune is vacant as per letter dated 9th March, 2021.

13. The Respondent No.3 is, therefore, directed to issue their transfer orders within two weeks from today.

14. In view of above, these O.As. are disposed of with no order as to costs.

Sd/-

(A.P. KURHEKAR)
Member-J

Mumbai

Date : 09.03.2021

Dictation taken by :

S.K. Wamanse.

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