

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**M.A. No 336/2017 in O.A. No. 481/2017**  
**(Shri Anil M. Tambe Vs. The State of Maharashtra and Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**  
**(This matter is placed before the**  
**Single Bench due to non-availability of**  
**Division Bench.)**

**DATE : 02.11. 2017.**

**ORAL ORDER:**

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that in fact the documents sought to be produced on record by the applicant are received to him under the Right to Information Act. The M.A. is therefore, disposed of without any order as to costs.

**VICE CHAIRMAN**

ORAL ORDERS 02.11.2017-kpb

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**O.A. No. 481/2017**  
**(Shri Anil M. Tambe Vs. The State of Maharashtra and Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**  
**(This matter is placed before the**  
**Single Bench due to non-availability of**  
**Division Bench.)**

**DATE : 02.11. 2017.**

**ORAL ORDER:**

Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Place the matter for admission hearing on 6.12.2017.

**VICE CHAIRMAN**

ORAL ORDERS 02.11.2017-kpb

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**M.A. No 425/2017 in O.A. No. 659/2014**  
**(Shri Sachin R. Kasar Vs. The State of Maharashtra and Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**  
**(This matter is placed before the**  
**Single Bench due to non-availability of**  
**Division Bench.)**

**DATE : 02.11. 2017.**

**ORAL ORDER:**

Heard Shri D.A. Bide, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to satisfy the query raised by the Tribunal vide order dated 10.10.2017.

3. At his request S.O. to 12.12.2017 for satisfying the query.

**VICE CHAIRMAN**

ORAL ORDERS 02.11.2017-kpb

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**M.A. No 448/2017 in O.A. No. 493/2017**  
**(Shri Bhagwat V. Deshmukh & Ors. Vs. The State of Maharashtra and Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**  
**(This matter is placed before the**  
**Single Bench due to non-availability of**  
**Division Bench.)**

**DATE : 02.11. 2017.**

**ORAL ORDER:**

Heard Shri H.A. Joshi, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 2 & 3 and Shri V.B. Wagh, learned Advocate for respondent No. 1 (original applicant).

2. Learned Advocate for the applicant submits that the order in M.A. No. 393/2017 in O.A. No. 704/2017 (Annexure A-2, Page No. 10) by the Hon'ble Chairman at Principal Seat of this Tribunal at Mumbai and interim order in the present Original Application are somewhat inconsistent. Therefore, instead of taking the circulation for transfer of the present application to the Principal Seat, it would be better for direction to place the present O.A.

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M.A. No 448/2017  
in O.A. No. 493/2017

along with M.A. before the Hon'ble Chairman as and when Hon'ble Chairman would be available at Aurangabad.

3. In the circumstances, it be removed from the board and be placed before the Hon'ble Chairman as and when available. Interim relief granted earlier in O.A. to continue till then.

**VICE CHAIRMAN**

ORAL ORDERS 02.11.2017-kpb

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**M.A. St. No 791/2017 in O.A. No. 326/2016**  
**WITH**  
**M.A. St. No. 792/2017 in O.A. No. 555/2015**  
**(Shri Madhav C. Padavi & Ors. Vs. The State of Maharashtra and Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**  
**(This matter is placed before the**  
**Single Bench due to non-availability of**  
**Division Bench.)**

**DATE : 02.11.2017.**

**ORAL ORDER:**

Heard Shri F.R. Tandale, learned Advocate  
for the applicants in both the matters and Shri  
M.S. Mahajan, learned Chief Presenting Officer  
for the respondents in both the matters.

2. The matters pertain to the Division Bench.  
Hence, it be removed from the board and be  
placed before the Division Bench as and when it  
is available

**VICE CHAIRMAN**

ORAL ORDERS 02.11.2017-kpb

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**ORIGINAL APPLICATION NO. 305/2014**  
**(Shri Rohan V. Aundhekar Vs. The State of Maharashtra and Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**  
**(This matter is placed before the**  
**Single Bench due to non-availability of**  
**Division Bench.)**

**DATE : 02.11. 2017.**

**ORAL ORDER:**

Heard Shri P.A. Bharat, learned Advocate holding for Shri U.L. Momale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Perused the earlier order dated 11.8.2017. On that date the learned Presenting Officer submitted that since the selection process is over and the candidates are selected, the issue may not survive.

3. Learned Presenting Officer fairly conceded that no such pleadings are made in the affidavit in reply. Additional affidavit will be filed by the respondents explaining the status as on today regarding selection process and thereafter necessary decision would be taken.

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O.A. No. 305/2014

4. In the circumstances, at the request of learned Presenting Officer S.O. to 6.12.2017 for filing additional affidavit.

5. Learned Presenting Officer to act upon steno copy.

**VICE CHAIRMAN**

ORAL ORDERS 02.11.2017-kpb

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**ORIGINAL APPLICATION NO. 119/2015**  
**(Shri Mohanchandra J. Panjol Vs. The State of Maharashtra and Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**  
**(This matter is placed before the**  
**Single Bench due to non-availability of**  
**Division Bench.)**

**DATE : 02.11. 2017.**

**ORAL ORDER:**

Heard Shri S.P. Salgar, learned Advocate holding for Shri S.S. Gangakhedkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the connected matter bearing No. M.A. No. 287/2015 in O.A. No. 1444/2014 is fixed on 8.12.2017.

3. Hence, place the present matter with that M.A. No. 287/2015 in O.A. No. 1444/2014 on 8.12.2017.

**VICE CHAIRMAN**

ORAL ORDERS 02.11.2017-kpb

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**ORIGINAL APPLICATION NO. 139/2015**  
**(Shri Ramkrishna G. Patil & Ors.Vs. The State of Maharashtra and Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**  
**(This matter is placed before the**  
**Single Bench due to non-availability of**  
**Division Bench.)**

**DATE : 02.11. 2017.**

**ORAL ORDER:**

Shri A.S. Sawant, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents, present.

2. Reading of the O.A. would show that the quashment of Government Resolution is sought. In the circumstances, decision on merit by the Division Bench is required in the matter. Hence, it be removed from the board and be placed before the Division Bench as and when it is available

**VICE CHAIRMAN**

ORAL ORDERS 02.11.2017-kpb

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**ORIGINAL APPLICATION NO. 245/2015**  
**(Shri Jagannath H. Mhaske Vs. The State of Maharashtra and Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**  
**(This matter is placed before the**  
**Single Bench due to non-availability of**  
**Division Bench.)**

**DATE : 02.11. 2017.**

**ORAL ORDER:**

Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that till today she could not put hand on the G.R. Considering the fact that the matter pertains to the Division Bench, it is removed from the board and be placed before the Division Bench as and when it is available.

**VICE CHAIRMAN**

ORAL ORDERS 02.11.2017-kpb

**FARAD CONTINUATION SHEET**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**O.A. Nos. 319, 321, 322, 323, 324, 330, 332 & 744 all of 2013 with O.A.  
Nos. 634 & 682 both of 2014 with 721 & 722 both of 2015 with O.A.  
No.340/2016**

**(Shri Arungir P. Bawa & Ors. Vs. The State of Maharashtra and Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**(This matter is placed before the  
Single Bench due to non-availability of  
Division Bench.)**

**DATE : 02.11. 2017.**

**ORAL ORDER:**

Heard Shri Anant Devkate, learned Advocate for the applicants in all these matters and Shri M.S. Mahajan, Shri V.R. Bhumkar, Shri S.K. Shirse, Shri N.U. Yadav, Shri D.R. Patil, Shri I.S. Thorat, Smt. Priya R. Bharaswadkar, Smt. D. S. Deshpande, Smt. Resha S. Deshmukh learned Chief Presenting Officer and Presenting Officers for the respective respondents in respective matters.

2. In furtherance of the order dated 26.09.2017, learned Presenting Officer files on record a true copy of the decision rendered by the Division Bench of the Maharashtra Administrative Tribunal, Aurangabad Bench in O.A. No. 154/1999.

3. Learned Advocate for the applicant therefore, seeks time to take instruction on the line as directed earlier vide order dated 26.09.2017.

4. At his request S.O. to 28.11.2017 for taking instruction.

**VICE CHAIRMAN**

ORAL ORDERS 02.11.2017-kpb

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**M.A. No 224/2017 in C.P. St. No. 839/2017 in O.A. No. 440/2016**  
**(Dr. Chandrashil S. Thokal Vs. The State of Maharashtra and Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**  
**(This matter is placed before the**  
**Single Bench due to non-availability of**  
**Division Bench.)**

**DATE : 02.11. 2017.**

**ORAL ORDER:**

Heard Shri D.A. Bide, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Presenting Officer files on record a copy of communication dated 9.10.2017 received to him showing that the proposal is pending before the Hon'ble Chief Minister. Same is accepted.

3. At his request S.O. to 6.12.2017 for compliance as a last chance.

4. Learned Presenting Officer to act upon steno copy.

**VICE CHAIRMAN**

ORAL ORDERS 02.11.2017-kpb

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA No. 717/2017.  
(Dwarka B. Khade V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri P. G. Tambade learned Advocate holding for Shri S. S. Jadhavar learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for respondents.

2. Shri P. G. Tambade learned Advocate holding for Shri S. S. Jadhavar learned Advocate for the applicant The learned Advocate for the applicant submits that fresh notice be issued to the respondents. Hence, issue fresh notices to the respondents, returnable on 12.12.2017.

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 question such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 12.12.2017.

8. Steno copy & hamdast allowed to both the sides.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 02-11-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA No. 250/2015.  
(Shri P. S. Pande V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri A. S. Deshmukh learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for respondents.

2. Upon hearing both sides it appears that, though the present applicant is acquitted by the competent court and against it an appeal is pending, on the basis of the Circular dated 2.4.1976 and later on G.R. dated 22.4.1996 the promotion was denied to the present applicant.

3. Prima-facie, reading of the Circular as well as Govt. Resolution would in-fact show that, those are related to the investigation and/or launching of D. E., if any. Even otherwise these two documents are specific in directing that, a provisional promotion should be granted

dependent upon the result of the investigation and/or D.E.

4. In the circumstances, the concerned respondents are directed to consider the case afresh and find out as to whether any corrective steps can be taken. In case concerned respondent comes to the conclusion that there is no rule or provision denying the promotion pending the appeal against acquittal in criminal case then corrective steps shall be taken and report about the same shall be filed on the next date. In case the concerned respondent comes to the conclusion that in view of any such rules, the promotion is to be denied then a short affidavit explaining the reasons be filed on the next date.

5. S.O. to 11.12.2017 for compliance.

6. The learned P.O. is directed to act on the Steno copy of this order.

**VICE CHAIRMAN.**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA No.137/2017.**  
**(Shri N. S. Arsale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 02.11.2017.**

**ORAL ORDER :**

It is reported that Shri S. D. Joshi learned Advocate for the applicant has filed leave note. Smt R. S. Deshmukh learned Presenting Officer for respondents is present.

2. S. O. to 11.12.2017 for hearing on admission.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 02-11-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**M.A. NO.396/17 IN CP ST. 1434/17 IN OA No.522/14.  
(Shri B. V. Kapse & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri P. H. Sukale learned Advocate holding for Shri L. H. Kawale learned Advocate for the applicants and Shri N. U. Yadav learned Presenting Officer for respondents.

2. The learned P.O. submits that, in fact the order in O.A. is complied with as the benefit of the notification is granted to the present applicant, as directed vide said order (page no.37).

3. Shri P. H. Sukale learned Advocate holding for Shri L. H. Kawale learned Advocate for the applicants seeks adjournment. At his request, S.O. to 27.11.2017 for making submissions on the above line.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 02-11-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA No. 550/2014.**

**(Shri J. K. Kagale & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri H. A. Joshi learned Advocate for the applicant, Shri S. K. Ghate Deshmukh learned Presenting Officer for respondents.

2. The learned Advocate for the applicant submits that, though the prayer clause in the petition for quashing the rule has become infructuous, prayer clause "C", the issue of fixation of pay is surviving. The learned P.O. earlier sought time to get detailed information in this regard as has been referred in order dated 4.10.2017.

3. The learned P.O. seeks time to get information. At her request, S.O. to 4.12.2017 for taking steps vide order dated 4.10.2017.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 02-11-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA No. 557/2017.  
(Shri P. S. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri S. P. Dhobale learned Advocate for the applicant, Shri V. R. Bhumkar, learned Presenting Officer for respondents no.1 to 3 and Shri B. A. Panchal learned Advocate for the respondent no.4.

2. The learned P.O. seeks time to file affidavit explaining the facts which are quoted in the order dated 10.8.2017. At his request, S.O. to 5.12.2017 to file reply which shall answer the above query.

3. The learned Advocate for the Respondent no.4 also seeks time to file reply.

4. S.O. to 05.12.2017.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 02-11-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**MA NO. 121/2017 IN OA St.No. 364/17.  
(Shri Sachin Savle V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri S. D. Dhongde learned Advocate for the applicant, Shri M. S. Mahajan learned Chief Presenting Officer for respondents no.1 to 3 and Shri S. B. Bhosale learned Advocate for the Respondents no.4 & 5.

2. Shri S. D. Dhongde learned Advocate for the applicant seeks time. At his request, S.O. to 06.12.2017.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 02-11-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**M. A. NO.231/17 IN OA No. 297/17.  
(Shri R. S. Ghorpade V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri V. B. Wagh learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for respondents.

2. Both the sides seeks time to amplify the issue involved in the present application. At their request, S.O. to 7.12.2017. Interim relief to continue till then.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 02-11-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA No. 582/2017.**

**(Shri Sanjay Kokate & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri A. S. Shelke learned Advocate for the applicants and Smt P. R. Bharaswadkar learned Presenting Officer for respondents.

2. Learned P.O. seeks time to file reply. At her request, S.O. to 05.12.2017.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 02-11-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA No. 656/2017.**

**(Shri R. A. Bhusawale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri H. A. Joshi learned Advocate holding for Shri D. M. Shinde learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file reply. At his request, S.O. to 11.12.2017.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 02-11-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.307/2017  
(Shri Prakash Gadekar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. Learned Advocate for the applicant files affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 21-11-2017.

4. Interim relief granted earlier to continue till then.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.461/2017  
(Shri Shaikh Ahmed Imamsab V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri I.D.Maniyar learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. Learned P.O. files separate affidavits in reply on behalf of respondent nos.2 and 3. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 07-12-2017 for hearing admission.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.475/2017  
(Shri Chandrakant Jadhav V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri P.P.More learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. Learned P.O. submits that he is in receipt of record and he would produce the same on next date.

Learned Advocate for the applicant states that he wants to go through the record.

3. At the request of learned P.O., S.O.20-11-2017 for producing record.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.476/2017  
(Shri Balasaheb Ghadge V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri M.B.Kolpe learned Advocate holding  
for Shri S.A.Wakure learned Advocate for the  
applicant and Shri M.S.Mahajan learned Chief  
Presenting Officer for respondents.

2. Learned C.P.O. seeks time to file affidavit in  
reply on behalf of the respondents. Time granted.

3. S.O. to 28-11-2017.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.477/2017  
(Shri Ayub Latif Shaikh V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri M.B.Kolpe learned Advocate holding  
for Shri S.A.Wakure learned Advocate for the  
applicant and Smt. Sanjivani Ghate learned  
Presenting Officer for respondents.

2. Learned P.O. seeks time to file affidavit in reply  
on behalf of the respondents. Time granted.

3. S.O. to 28-11-2017.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.478/2017  
(Shri Bhagwant Deshmukh V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri M.B.Kolpe learned Advocate holding  
for Shri S.A.Wakure learned Advocate for the  
applicant and Smt. Priya Bharaswadkar learned  
Presenting Officer for respondents.

2. Learned P.O. seeks time to file affidavit in reply  
on behalf of the respondents. Time granted.

3. S.O. to 28-11-2017.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.485/2017  
(Shri Sarang Shinde V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri M.B.Kolpe learned Advocate holding  
for Shri S.A.Wakure learned Advocate for the  
applicant and Shri D.R.Patil learned Presenting  
Officer for respondents.

2. Learned P.O. seeks time to file affidavit in reply  
on behalf of the respondents. Time granted.

3. S.O. to 28-11-2017.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.484/2017  
(Shri Baban Jorwar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri A.S.Deshmukh learned Advocate for the applicant, Shri I.S.Thorat learned Presenting Officer for respondent and Shri D.T.Devane learned Advocate for respondent nos.2 and 3.

2. Learned P.O. submits that the impugned order is now cancelled by the authorities. He files copy of the said decision dated 03-10-2017 on record. It is marked as document "X" for identification.

3. Learned Advocate for the applicant seeks time to take instructions from the applicant in this regard. Time granted.

4. S.O. to 05-12-2017.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.505/2017  
(Shri Vijaykumar Shinde V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri A.S.Deshmukh learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents is present.

2. Learned P.O. submits that copy of affidavit in rejoinder is not yet served on him. Now, learned Advocate served copy of the same on the learned P.O.

3. S.O. to 20-11-2017 for hearing.

4. Interim relief granted earlier to continue till then.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.532/2017  
(Shri Tukaram Gaikwad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri V.G.Pingle learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents is present.

2. At the request of learned P.O., S.O. to 30-11-2017 for filing affidavit in reply on behalf of the respondents.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.572/2017  
(Dr. Dattatray Raut V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri M.R.Kulkarni learned Advocate holding for Shri J.S.Deshmukh learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. Learned P.O. submits that instructions are not received in reference to the order dated 06-10-2017. It is unfortunate that the respondents are not implementing their own order and even not responding to the learned P.O. However, since the learned P.O. sincerely prays for time, time is granted.

3. S.O. to 06-11-2017 as a final chance.

4. It is hereby warned that failure to comply with the order would entail into saddling heavy costs on the concerned respondent/s besides coercive action against the concerned officer, personally.

5. Learned P.O. shall act on the steno copy of the order.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.580/2017  
(Subhmangal Bhakt V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri M.B.Kolpe learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 06-12-2017.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.595/2017  
(Shri Rajaram Kannewar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Ku. Preeti Wankhade learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 06-12-2017.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.653/2017  
(Dr. Datta Dhanve V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. It is to be noted that on 4<sup>th</sup> October, 2017 and 30<sup>th</sup> October, 2017 nobody appeared for respondent no.2 – Chief Executive Officer, Zilla Parishad Hingoli. Today, without seeking any permission from the Tribunal, Shri Sachin Deshmukh learned Advocate has filed Vakalatnama on behalf of respondent no.2. However, in the interest of justice, same is accepted.

3. Learned P.O. submits that present applicant is suspended w.e.f. 30-10-2017, and therefore, the present original application has become infructuous. Learned P.O. produced copy of the said order. It is taken on record and marked as document "X" for identification.

4. In view of the above facts, Shri Wagh learned Advocate for the applicant submits that it would be necessary for him to take

instructions from the applicant as to whether any amendment is to made in the present application.

5. Respondent no.2 Chief Executive Officer, Zilla Parishad, Hingoli was very negligent in not responding to the notice of the Tribunal. Such attitude is not befitting to the officer of his rank and it is deplorable. Respondent no.2 is hereby cautioned to be attentive in future.

6. S.O. to 05-12-2017.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.666/2017  
(Dr. Zulphiquar Hussain V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Shri S.D.Joshi learned Advocate for the applicant has filed **leave note**. Shri D.R.Patil learned Presenting Officer for respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 22-11-2017 for taking steps.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**M.A.No.147/2017 IN O.A.No.705/2016  
(Panchfulabai Shirsat V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri A.D.Sugdare learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. There is no serious objection for amendment on the side of respondents except the facts that they have stated in the reply and other facts can be submitted orally.

3. M.A. for amendment can be allowed. To have necessary facts on record, M.A. for amendment is allowed without any order as to costs.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.705/2016  
(Panchfulabai Shirsat V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri A.D.Sugdare learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. At the request of both sides, S.O. to 22-11-2017.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.416/2016  
(Shri Ramhari Gosavi V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri M.B.Kolpe learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned P.O. prays for adjournment on behalf of the respondents on the ground that the relevant documents are in the custody of superior officer.

3. At his request, S.O. to 22-11-2017.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.534/2016  
(Shri Lalu Pawar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM: JUSTICE M.T.JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri M.B.Kolpe learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents.

2. Learned P.O. prays for adjournment on behalf of the respondents on the ground that the relevant documents are in the custody of superior officer.

3. At his request, S.O. to 22-11-2017.

**VICE CHAIRMAN**

YUK ORAL ORDER 02-11-2017 VC F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
O.A. NO. 354/2017  
(Devendra Tukaram Katke Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 2.11.2017**

**ORAL ORDER :**

Heard Ms. Pradnya S. Talekar, learned Advocate holding for Talekar & Associates for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents on the issue of continuation of interim relief granted against the impugned transfer of the applicant. The said interim relief was granted on 3.7.2017 prior to issuance of regular notices to the respondents. The affidavit in reply is now filed.

2. The applicant is working as a Deputy Collector at Aurangabad since 8.6.2014. He was transferred vide impugned order dated 7.6.2017 (Annex. A.1 page 23) from the said post to Jalna as a Dist. Rehabilitation Officer, which was vacant earlier. Earlier to the said transfer the applicant vide Annexure at A. 4 page 38 dtd. 26.5.2017 has submitted that though his term of 3 years' would be completed on 8.6.2017, as his son was taking education in 10<sup>th</sup> standard at Aurangabad, in order to see that there should not be any obstruction in his education, he may not transferred. However, the impugned transfer order came to be passed on 7.6.2017 and hence the applicant has filed the present O.A. challenging the said transfer order.

3. The learned Advocate for the applicant made following submissions before me :-

- (i) that the impugned transfer is midterm transfer without having any special reasons.
- (ii) that the respondents, if wanted to transfer the applicant in the midterm, the said transfer ought to have been issued only in accordance with the provisions of sec. 4 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short the Transfer Act, 2005).

- (iii) that the fact of obstruction in educational career of the applicant's son ought to have been taken into consideration by the concerned respondent while effecting the impugned transfer of the applicant.

4. Though the applicant in his representation to the respondents as cited supra has accepted that his tenure of 3 years would be completed on 8.6.2017, the learned Advocate for the applicant has argued that, in view of the provisions of sec. 4 of the Transfer Act, 2005 the transfer can be effected only in the month of April or May and thus the transfer effected vide order dtd. 7.6.2017 would be midterm transfer and against the provisions of sec. 4 of the Transfer Act, 2005. Therefore, relying on the ratio of **Zuari Cement Limited Vs. Regional Director, Employees' State Insurance Corporation, Hyderabad and Others** reported at **(2015) 7 SCC 690** the learned Advocate for the applicant submits that where statute provides that a particular thing should be done, it should be done in the manner prescribed and not in any other way.

As regards issue of midterm transfer, the learned Advocate for the applicant has relied on the judgment delivered by Hon'ble Bombay High Court in the case of **State of Maharashtra Vs. Ashok Ramchandra Kore & Another** reported at **2009 (4) Mh. L.J. 163**.

5. As regards the issuance of impugned transfer despite the fact that the applicant's son is studying in 10<sup>th</sup> standard is wrong, she relied on the following judgments :-

- (i) order of ex parte interim relief dated 2.6.2017 granted by another learned Member of the Tribunal in **O.A. no. 307/2017 (Shri Prakash S. Gadekar Vs. the State of Maharashtra & Ors.)**
- (ii) order passed by the Central Administrative Tribunal at Bangalore Bench dated 1.1.2015 in **O.A. no. 747/2014 (Shri Dr. B. Surendra Nath s/o B. Thrivikrama Raju Vs. the Member Secretary, Central Silk Board, Ministry of Textiles, Government of India, C.S.B. Complex, B.T.N. Layout, Madivala, Bangalore & Ors.)**
- (iii) Judgment delivered by Hon'ble Supreme Court in the case of **Director of School Education, Madras & Ors. Vs. O. Karuppa Thevan & Another** reported at **1994 Supp. (2) SCC 666**.

6. Upon hearing both the sides, in my view, the interim relief granted earlier in the present matter cannot be continued and the same will have to be vacated for the following reasons :-

(I) Sec. 4 of the Transfer Act, 2005 runs as follows :-

**"4. Tenure of transfer.**

- (1) No Government servant shall ordinarily be transferred unless he has completed his tenure of posting as provided in section 3.
- (2) The competent authority shall prepare every year in the month of January, a list of Government servants due for transfer, in the month of April and May in the year.
- (3) Transfer list prepared by the respective competent authority under sub-section (2) for Group A Officers specified in entries (a) and (b) of the table under section 6 shall be finalized by the Chief Minister or the concerned Minister, as the case may be, in consultation with the Chief Secretary or concerned Secretary of the Department, as the case may be:

Provided that, any dispute in the matter of such transfers shall be decided by the Chief Minister in consultation with the Chief Secretary.

- (4) The transfers of Government servants shall ordinarily be made only once in a year in the month of April or May:

Provided that, transfer may be made any time in the year in the circumstances as specified below, namely:-

- (i) to the newly created post or to the posts which become vacant due to retirement, promotion, resignation, reversion, reinstatement, consequential vacancy on account of transfer or on return from leave;
- (ii) where the competent authority is satisfied that the transfer is essential due to exceptional circumstances or special reasons, after recording the same in writing and with the prior approval of the next higher authority;
- (5) Notwithstanding anything contained in section 3 or this section, the competent authority may, in special cases, after recording reasons in writing and with the prior +[approval of the immediately superior]

Transferring Authority mentioned in the table of section 6, transfer a Government Servant before completion of his tenure of post.”

(Emphasis supplied)

The above provisions thus show that the regular transfers are to be made in the month of April or May on the basis of list prepared earlier. It should, however, be noted that the provisions are made in the Act for safeguarding the employee from unnecessary transfer. Its interpretation need not be strict as is required in interpretation of a criminal law. It is to be noted that earlier transfer order of the applicant was admittedly in the first week of June and the present transfer order is also issued on 7.6.2017. Therefore, in my view, the transfer of the applicant cannot be branded as midterm transfer and hence, any provisions providing for midterm transfer would not be applicable in the present matter. Even otherwise admittedly the applicant is posted at Jalna at a vacant post as permissible by sec. 4 (4) (i) of the Transfer Act, 2005. In that view of the matter the ratio laid down in the case of **State of Maharashtra Vs. Ashok Ramchandra Kore & Another** (supra) could not be made applicable in the present case.

**(II)** The corollary of the above reasons would be that the submissions that where law provides that the particular thing should be done in a particular manner, it shall be done in the manner prescribed and not in any other way, is not applicable in the present case. Though the learned Advocate for the applicant relied on the judgment of Hon'ble Supreme Court in the case of **Zuari Cement Limited** (supra), the facts of the said case would show that the Court established under the Employees State Insurance Act without any jurisdiction has granted exemption when appropriate Government was only empowered to take any decision according to law about exemption and in those circumstances Hon'ble Supreme Court has taken above view.

**(III)** This leads us to consider the issue of difficulties of the present applicant in view of education of his son. In the ex parte interim relief order dtd. 2.6.2017 passed by one of learned Member (Judicial) of this Bench of the Tribunal in **O.A. no. 307/2017 (Shri Prakash S. Gadekar Vs. the State of Maharashtra & Ors.)** (supra) the learned Member has taken into consideration the distance between Osmanabad and Biloli i.e. the place from which the applicant in the said O.A. was transferred was 350 kms. Therefore, the said ex parte interim

relief was granted in the said matter. The distance between Aurangabad and Jalna where the present applicant is transferred by the impugned transfer order is merely about 70 kms. and, therefore, the reasons given in the said ex parte interim relief order would not be applicable in the present case.

**(IV)** In the case of **Director of School Education, Madras & Ors.** (supra) Hon'ble Supreme Court found that the respondents were unable to place any material that there was any urgency in transferring the employees. In the circumstances, it was observed that the fact that employee's children are studying in school and, therefore, transfer should not be mid-academic term ought to have been considered. The judgment does not show as to when the transfer was effected. In the present matter, transfer was effected on 7.6.2017. Admitted fact is that the post at Jalna, where the present applicant is transferred, is vacant and it was required to be filled in. Therefore, the ratio of the said case would not be applicable in the present matter.

7. The learned Advocate for the applicant has relied on the order of Central Administrative Tribunal, Bangalore Bench dated 1.1.2015 in **O.A. no. 747/2014 (Shri Dr. B. Surendra Nath s/o B. Thrivikrama Raju)** (supra). In that case a Scientist was transferred from Bangalore to Ranchi. Learned Member (J) of the C.A.T. in para nos. 5 & 7 has quoted the ratio of Hon'ble Supreme Court's decision in the following words :-

**“5. The Honble Supreme Court time and again has laid down and reiterated the principles to be borne in mind by the Tribunals and Courts while dealing with the validity or otherwise of an order of transfer passed by an authority. In the case of State of U.P and Others vs. GobardhanLal (200 SCC (L&S) 55), the Honble Supreme Court held as under:**

**“7. It is too late in the day for any Government Servant to contend that once appointed or posted in**

a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra, in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or Rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made. Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This Court has often reiterated that the order of transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated

**by mala fides or is made in violation of any statutory provision.”**

However, in view of the ratio of the decision of Hon'ble Supreme Court in another case i.e. the **Director of School Education, Madras and Others vs. O. Karuppa Thevan (1994 SCC Suppl. (2) 666)** (supra) the Tribunal had asked the respondents as to whether the applicant therein can be allowed to continue at the present place i.e. Bangalore till the academic session is completed. On the next date the learned Advocate for the respondents submitted that the order can be kept in abeyance for certain period and accordingly the transfer of the applicant therein at Ranchi came to be kept in abeyance.

8. In the present case the applicant is merely transferred from Aurangabad to Jalna and not a place at far distance like from Bangalore to Ranchi and, therefore, in view of the fact that the post at Jalna was lying vacant, balancing hardship there is no reason to interfere in the impugned transfer order.

9. In view of above facts the applicant has not made out a case for continuation of interim relief granted earlier vide order dated 3.7.2017 and, therefore, the interim relief granted in favour of the applicant is hereby vacated.

10. Ms. Bhavna Patil, learned Advocate holding for Talekar Associates submits that the interim relief granted earlier may be continued for some period for enabling the applicant to take necessary action that may be deemed fit. At the request of the learned Advocate for the applicant, ex parte interim relief granted by the Tribunal earlier shall continue till 16.11.2017.

11 S.O. to 17.11.2017.

12. Steno copy / authenticated copy allowed for the use of both the sides.

**VICE CHAIRMAN**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**T.A. NO. 4/2017 (W.P. NO. 10375/2016)  
(Ramesh Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri P.D. Bachate, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that copy of the present matter is served upon the learned P.O. today only. In the circumstances, S.O. to 5.12.2017 for filing affidavit in reply by the respondents.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**M.A. NO. 395/2017 IN O.A. ST. 1438/2017**

**(Md. Suleman Abdul Gani Vs. State of Mah. & Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. By the present M.A. the applicant is seeking condonation of 18 years delay caused in filing the accompanying O.A. before the Tribunal.

3. In the circumstances, issue notices to the respondents in the present M.A., returnable on 12.12.2017.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

5. 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 M.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 12.12.2017.

9. Steno copy & hamdast allowed to both the sides.

**VICE CHAIRMAN.**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**O.A. NO. 770/2017  
(Ayesha Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents in the present O.A., returnable on 12.12.2017.

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 question such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be

obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

**7. In the meantime, without making any comment on the merit of the present O.A., there shall be ad interim relief in terms of prayer clause para 12 (a) until further orders. The prayer clause para 12 (a) reads as under :-**

**“Para 12 interim relief prayer clause (a) –**

**Pending hearing and final disposal of the present application, stay may be granted to the letter dated 8.9.2017 issued by the respondent no. 1 and the letter dated 25.10.2017 issued by the respondent no. 3 in respect of deduction of 10% from substance allowance and to pay the regular subsistence allowance.”**

8. S.O. to 12.12.2017.

9. Steno copy & hamdast allowed to both the sides.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**O.A. NO. 776/2017  
(Moni Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents in the present O.A., returnable on 13.12.2017.

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 question such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be

obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

**7. Considering the fact that the recovery is directed against the applicant, without going into the merit of the present matter, interim relief in terms of prayer clause (E) of the O.A. is hereby granted until further orders. The prayer clause (E) reads as under :-**

**“Prayer Clause (E) –**

**Pending hearing and final disposal of this Original Application the execution, operation and implementation of impugned order dated 10.10.2017 issued by the Dean Government Medical College and Hospital Aurangabad thereby recovery of alleged excess amount paid to the applicants & revised / modified the pay fixation of the applicants may kindly be stayed.”**

8. S.O. to 12.12.2017.

9. Steno copy & hamdast allowed to both the sides.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA ST. NO. 1478 OF 2017  
(Narhari Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri R.R. Bangar, learned Advocate holding for Shri A.T. Jadhavar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant fairly submits that the applicant may be allowed to withdraw the present O.A. with liberty to take the appropriate recourse as permitted under Law.

3. In the circumstances, the present O.A. stands disposed of as withdrawn with liberty as prayed for. There shall be no order as to costs.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA ST. NO. 1479 OF 2017  
(Ashok Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri R.R. Bangar, learned Advocate holding for Shri A.T. Jadhavar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant fairly submits that the applicant may be allowed to withdraw the present O.A. with liberty to take the appropriate recourse as permitted under Law.

3. In the circumstances, the present O.A. stands disposed of as withdrawn with liberty as prayed for. There shall be no order as to costs.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA NO. 130 OF 2016  
(Vinayak Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. Previous orders would show that the the learned Advocate for the applicant time and again sought time to take instructions from the applicant. Today also none is present for the applicant.

3. In view of above fact, without going into the merit of the present O.A., it is dismissed in default without any order as to costs.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA NO. 615 OF 2016  
(Monhar Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri Vishal Bakal, learned Advocate holding for Shri V.S. Kadam, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 & 2 and Shri G.N. Patil, learned Advocate for respondent no. 3.

2. At the request of learned Advocate for the applicant, S.O. to 5.12.2017.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA NO. 116 OF 2017  
(Dr. Dhanraj Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri S.K. Sawangikar, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has filed rejoinder. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. With consent of both the sides, S.O. to 8.12.2017.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA NO. 121 OF 2017  
(Shamkant Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri Shamsundar B. Patil, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 4 and Shri Kalyan Patil, learned Advocate holding for Shri S.R. Barlinge, learned Advocate for respondent nos. 4 & 5.

2. The learned P.O. files on record true copy of the application of the applicant and the order issued by the concerned respondent thereon. The said documents are taken on record and marked as document 'X'. The said documents would also show that the applicant has shown his willingness in his application to be deputed at Jalgaon and accordingly order of his deputation at Jalgaon is passed by the concerned respondent.

3. The learned Advocate for the applicant submits that in the next month 2 posts at Dhule would be vacant and, therefore, direction to the concerned respondents be issued to consider the case of the applicant for posting at Dhule in view of observations made on 12.5.2017. The said submissions appear to be reasonable.

4. In the circumstances the present O.A. stands disposed of without order as to costs with a direction to the concerned respondents to consider the case of the applicant for posting at Dhule.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA NO. 215 OF 2017  
(Kalim Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri A.S. Shelke, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 & 2 and Shri M.B. Kolpe, learned Advocate holding for Shri S.B. Choudhary, learned Advocate for respondent no. 3.

2. At the request of learned Advocate for res. no. 3, S.O. to 7.12.2017.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA NO. 770 OF 2016  
(Manchakrao & Ors. Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Shri S.D. Joshi, learned Advocate for the applicants has filed leave note. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 18.12.2017.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA NO. 850 OF 2016  
(Anand Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Shri S.D. Joshi, learned Advocate for the applicant has filed leave note. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 18.12.2017.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA NO. 175 OF 2017  
(Madhukar Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri D.A. Bide, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned P.O. S.O. to 12.12.2017 for filing affidavit in reply.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA NO. 204 OF 2017  
(Balasaheb Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant S.O. to 5.12.2017.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA NO. 191 OF 2017**

**(Bhagyashree d/o Haribhau Sopne @ Bhagyashree  
w/o Vitthal Karwar Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 02.11.2017.**

**ORAL ORDER :**

Heard Shri S.K. Chavan, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The learned P.O. submits that presently affidavit in reply of res. nos. 1 to 3 is not required. In the circumstances the O.A. is heard.

3. Upon hearing both the sides, it appears that the concerned respondents relying upon certain ex parte enquiry conducted by the Gramsevak of the concerned village concluded that the applicant is not resident of the village and cancelled her candidature. Naturally the Aadhar card and other revenue record, copies of which are at Annex. A.5 & A.6 of the present O.A., were not considered by the concerned respondents i.e. res. nos. 4 & 5.

4. In the circumstances the res. no. 4 – the Sub Divisional Officer & Sub Divisional Magistrate, Gangakhed, Tq. Gangakhed, Dist. Parbhani & the res. no. 5 – the Selection Committee, through its President, Office of Sub

Divisional Magistrate & Deputy Collector, Gangakhed, Dist. Parbhani are hereby directed to go through these documents (Annex. A.5 & A.6 of the O.A.) or any other additional documents like voters list, election card etc. and take an independent decision not based on the report of the Gramsevak. They may call for further documents from the applicant for which purpose the applicant shall attend the office of res. no. 4 – the Sub Divisional Officer & Sub Divisional Magistrate, Gangakhed, Tq. Gangakhed, Dist. Parbhani on 5.12.2017. On that day the res. no. 4 shall conduct the enquiry. If on that day the res. no. 4 would not available in the office, the applicant shall place the authenticated copies of these documents and other documents available with her in that regard and thereafter the res. no. 4 shall take a decision in the matter within a week and make a report in that regard to the learned P.O.

5. S.O. to 14.12.2017.

6. Steno copy allowed for the use of both the sides.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 02.11.2017