

O.A. No. 582/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 01.12.2020

None for the applicant. Shri A.P. Potnis, Id. P.O. for R-1 to 3 and none for R-4.

At the request of Id. P.O., **S.O. three weeks** for filing reply.

Member (J).

dnk.

O.A. No. 813/2020 (SB)

(R.R. Behare Vs. State of Mah. & Ors.)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 01.12.2020

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. It is grievance of the applicant that as per order Annex-A-3 the applicant who was Naib Tahsildar (Election) at Yavatmal was transferred and posted as Assistant Entertainment Tax Officer and accordingly as per the order dated 10/08/2020 the applicant resumed duty. It is submitted that the applicant was not due for transfer, but without assigning any reason the respondent no.1 transferred the applicant from the post of Naib Tahsildar (Election), Yavatmal to Mahagaon, District Yavatmal as Naib Tahsildar. It is submitted that on the date of this impugned transfer order dated 20/10/2020 the applicant was not Naib Tahsildar (Election), Yavatmal, but she was Assistant Entertainment Tax Officer, Yavatmal. It is also contended that the post on which the applicant was transferred to Mahagaon was not vacant and being aggrieved by the order dated 20/10/2020 Smt. Maya S. Thoke who was working as

Naib Tahsildar at Mahagaon made representation to the Divisional Commissioner, Amravati. It is submitted by the applicant that till today she is not relieved from the post of Assistant Entertainment Tax Officer. In view of this fact, *status-quo* shall be maintained as on today, till further orders.

3. Issue notice to the respondents, returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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 O.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 questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the

Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Steno copy be supplied...

Member (J)

dnk.

O.A. No. 814/2020 (SB)

(S.M. Hote Vs. State of Mah. & Ors.)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 01.12.2020

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. It is grievance of the applicant that vide Annex-A-3 the applicant was transferred to Ghatanji, District Yavatmal as Naib Tahsildar, It is submitted that though the applicant was not due for transfer all of a sudden the respondent no.1 issued order Annex-A-5 dated 20/10/2020 and appointed Shri K.W. Sayyam (R/4) on the post held by the applicant. In this order it is nowhere mentioned whether the applicant is transferred or not.

3. The applicant made representation dated 2/11/2020 to the Divisional Commissioner, Amravati for bringing this fact to the notice of the higher authority. In view of this, the parties to maintain status-quo as on today, till further orders.

4. Issue notice to the respondents, returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

6. 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.

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

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Steno copy be supplied...

Member (J)

dnk.

O.A. No. 412/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 01.12.2020

Heard Shri D.M. Surjuse, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The Id. P.O. submitted that when matter was heard on 3/9/2020 this Bench observed that the applicant was already relieved from Malkapur. Lateron when the matter was taken up before the learned Vice Chairman, request was made to grant interim relief without bringing the fact to the notice of the Bench that the applicant was already relieved and it was noted by the Bench earlier. The learned Vice Chairman passed the order on 26/10/2020 and granted interim relief till 19/11/2020. Lateron it was continued till today. The learned counsel for the applicant submitted that the interim relief be continued till further date. In this situation, as the applicant is already relieved from the post, there is no propriety to grant any interim relief. The learned counsel for the applicant may advance his argument on the next date.

S.O. 03/12/2020 (PH).

Member (J).

dnk.

O.A. No. 478/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 01.12.2020

Heard Shri S.N. Gaikwad, Id. counsel
for the applicant and Shri A.P. Potnis, Id. P.O.
for the respondents.

Closed for orders.

Member (J).

dnk.

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O.A.No.807/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :01/12/ 2020.

Heard Shri S.P.Kowale, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. P.O. pointed out that the employee is of Zilla Parishad. Hence, there is a point of Jurisdiction that Zilla Parishad matters should not be filed before this Tribunal. Therefore, applicant may approach to the appropriate forum i.e. Hon'ble High Court. The Id. counsel for the applicant is advised to approach to the Hon'ble High Court with the same grievances.

Later on :-

1. Hence, the Id. counsel for the applicant submits that he is ready to withdraw the O.A.. He is at liberty to withdraw the O.A..

2. With the above directions, **O.A. is disposed of as withdrawn with no order as to costs.**

Vice

Chairman
Date:-01/12/2020.
aps.

O.A.No.782/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :01/12/2020.

Shri T.G.Navlakhe, the applicant in person. Shri H.K.Pande, the Id. P.O. for the respondents.

2. In view of objections pointed out by the office. **O.A. is dismissed;** the applicant is at liberty to file the fresh O.A. after removing all the office objections.

Chairman
Date:-01/12/2020.
aps.

Vice

O.A.Nos.825&826/2020

(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :01/12/2020.

Heard Smt. Poonam Mahajan, the Id. Counsel for the applicants and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. It is grievances of the applicants that both the applicants were initially appointed as Police Constables and thereafter they appeared in the Departmental Examination and as per merit they were promoted as P.S.I.. It is submission of the applicants that both the applicants were considered for the promotion to the post of Armed Deputy Superintendent of Police/ Assistant Commandant in S.R.P.F.; names of both the applicants were included in the select list but later on the applicants learnt that the Department issued letter dated 25.11.2020 and called upon the option of 26 candidates to whom posting orders were to be issued. The applicants realised that their names were not included in this list. It is submitted that the applicants learnt that once they were promoted as P.I. on the basis of the Government G.R. dated 25.05.2004 and as they were promoted on the basis of their Caste, therefore, their names are removed from the list of the promotional candidates.

3. The Id. counsel for the applicants invited our attention to the Annexure-A-21, it is submitted that the candidates at Sr. Nos. 1 to 19 are selected for the promotional post and their options are called but all these candidates were junior to the applicants in the original cadre of P.S.I. and P.I.. It is also contended that the applicants never superseded these 19 candidates and neglecting these facts, the Respondent nos. 1 to 5 are going to promote them and this amounts to injustice. Our attention is also invited to the Judgment delivered by this Bench in O.A. No. 953/2019 and submission is made that in similar situation relief was given to applicant, after explaining import of the G.A.D. letter dated 29.12.2017.

4. The Id. counsel for the applicants also invited our attention to Annexure-A-15 i.e. order passed by M.A.T., Division Bench, Mumbai in O.A. No. 807/2019 on 03.03.2020 in that matter submission was made by the State before the Bench that decision was taken by the Government to implement the order passed by the M.A.T., Nagpur Division Bench in O.A. No. 953/2019. Our attention is also invited to the copy of notesheet on P.B., Pg. No. 83. In our view the facts of the present case and facts in the case which is decided earlier were identical, therefore, it was duty of the respondents to consider the case of the applicants keeping in view the decision in O.A. No. 953/2019.

5. In view of this, we direct the Respondent nos. 2 to 5 to decide the representations made by the applicants which are at Annexure-A-20 and Annexure-A-21 respectively. Hence, we issue the following direction the Respondent nos. 2 to 5 are directed to decide the representations made by the applicants vide Annexure-A-20 and Annexure-A-21 in O.A. Nos. 825 and 826/2020 respectively **within period of two weeks from the date of receipt of this order and in the meantime to maintain status-quo.**

6. Issue notice to Respondents, returnable on two weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

8. 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.

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

10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

11. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

12. **S.O. two weeks.**

13. **Steno copy be supplied.**

**Member(J)
Chairman**

Date:-01/12/2020.

aps.

Vice