

O.A. 1057/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 27/12/2019.

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the State.

2. From the record and pleadings it appears that procedure laid down vide G.R. dated 9/4/2018 (A-3,P-11) for transfer of Government employees has not been followed. As learned counsel for the applicant has relied on Appendix-I of the said G.R. and submitted that procedure laid down in the G.R. has not been followed by the respondent nos.2&4.

3. The applicant is challenging approval order given by the Commissioner, Nagpur Division vide order dated 24/12/2019 (A-2, P-10) in response to the proposal submitted by the Collector, Chandrapur vide his letter dated 12/12/2019 which is mentioned in the reference of impugned order dated 24th December,2019. The applicant's grievance is that impugned order and proposal both are issued in the month of December which is categorised as mid-term transfer and without following the procedure laid down in G.R. dated 9/4/2018. The second contention raised by the learned counsel for the

applicant is that vide impugned order there is a change of cadre of the applicant from Mandal Officer to Awal Karkun. With these two grievances i.e. change of cadre and mid-term order of transfer, the applicant has approached to this Tribunal.

4. In the interest of justice and equity the impugned order dated 24th December,2019 (A-2,P-10) is stayed to the extent of the applicant only till filing of the reply by the respondents.

5. Issue notice to R-2 to 4, returnable **after three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. 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 three weeks

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 1059/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 27/12/2019.

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the State.

2. From the record and pleadings it appears that procedure laid down vide G.R. dated 9/4/2018 (A-3,P-11) for transfer of Government employees has not been followed. As learned counsel for the applicant has relied on Appendix-I of the said G.R. and submitted that procedure laid down in the G.R. has not been followed by the respondent nos.2&4.

3. The applicant is challenging approval order given by the Commissioner, Nagpur Division vide order dated 24/12/2019 (A-2, P-10) in response to the proposal submitted by the Collector, Chandrapur vide his letter dated 12/12/2019 which is mentioned in the reference of impugned order dated 24th December,2019. The applicant's grievance is that impugned order and proposal both are issued in the month of December which is categorised as mid-term transfer and without following the procedure laid down in G.R. dated 9/4/2018. The second contention raised by the learned counsel for the

applicant is that vide impugned order there is a change of cadre of the applicant from Mandal Officer to Awal Karkun. With these two grievances i.e. change of cadre and mid-term order of transfer, the applicant has approached to this Tribunal.

4. In the interest of justice and equity the impugned order dated 24th December,2019 (A-2,P-10) is stayed to the extent of the applicant only till filing of the reply by the respondents.

5. Issue notice to R-2 to 4, returnable **after three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. 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 three weeks

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 1058/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 27/12/2019.

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the State.

2. From the record and pleadings it appears that procedure laid down vide G.R. dated 9/4/2018 for transfer of Government employees has not been followed. As learned counsel for the applicant has relied on Appendix-I of the said G.R. and submitted that procedure laid down in the G.R. has not been followed by the respondent nos.2&4.

3. The applicant is challenging approval order given by the Commissioner, Nagpur Division vide order dated 24/12/2019 (A-2, P-10) in response to the proposal submitted by the Collector, Chandrapur vide his letter dated 12/12/2019 which is mentioned in the reference of impugned order dated 24th December,2019. The applicant's grievance is that impugned order and proposal both are issued in the month of December which is categorised as mid-term transfer and without following the procedure laid down in G.R. dated 9/4/2018. The second contention raised by the learned counsel for the

applicant is that vide impugned order there is a change of cadre of the applicant from Mandal Officer to Awal Karkun. With these two grievances i.e. change of cadre and mid-term order of transfer, the applicant has approached to this Tribunal.

4. In the interest of justice and equity the impugned order dated 24th December,2019 (A-2,P-10) is stayed to the extent of the applicant only till filing of the reply by the respondents.

5. Issue notice to R-2 to 4, returnable **after three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. 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 three weeks

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 1060/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 27/12/2019.

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the State.

2. From the record and pleadings it appears that procedure laid down vide G.R. dated 9/4/2018 for transfer of Government employees has not been followed. As learned counsel for the applicant has relied on Appendix-I of the said G.R. and submitted that procedure laid down in the G.R. has not been followed by the respondent nos.2&4.

3. The applicant is challenging approval order given by the Commissioner, Nagpur Division vide order dated 24/12/2019 (A-2, P-10) in response to the proposal submitted by the Collector, Chandrapur vide his letter dated 12/12/2019 which is mentioned in the reference of impugned order dated 24th December,2019. The applicant's grievance is that impugned order and proposal both are issued in the month of December which is categorised as mid-term transfer and without following the procedure laid down in G.R. dated 9/4/2018. The second contention raised by the learned counsel for the

applicant is that vide impugned order there is a change of cadre of the applicant from Mandal Officer to Awal Karkun. With these two grievances i.e. change of cadre and mid-term order of transfer, the applicant has approached to this Tribunal.

4. In the interest of justice and equity the impugned order dated 24th December,2019 (A-2,P-10) is stayed to the extent of the applicant only till filing of the reply by the respondents.

5. Issue notice to R-2 to 4, returnable **after three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. 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 three weeks

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 1061/2019 (S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 27/12/2019.

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the State.

2. From the record and pleadings it appears that procedure laid down vide G.R. dated 9/4/2018 for transfer of Government employees has not been followed. As learned counsel for the applicant has relied on Appendix-I of the said G.R. and submitted that procedure laid down in the G.R. has not been followed by the respondent nos.2&4.

3. The applicant is challenging approval order given by the Commissioner, Nagpur Division vide order dated 24/12/2019 (A-2, P-10) in response to the proposal submitted by the Collector, Chandrapur vide his letter dated 12/12/2019 which is mentioned in the reference of impugned order dated 24th December,2019. The applicant's grievance is that impugned order and proposal both are issued in the month of December which is categorised as mid-term transfer and without following the procedure laid down in G.R. dated 9/4/2018. The second contention raised by the learned counsel for the

applicant is that vide impugned order there is a change of cadre of the applicant from Mandal Officer to Awal Karkun. With these two grievances i.e. change of cadre and mid-term order of transfer, the applicant has approached to this Tribunal.

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5. Issue notice to R-2 to 4, returnable **after three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

7. 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.

8. 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.

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10. 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 three weeks

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Vice-Chairman

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