

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. of 20  
1 N

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.455, 456, 457 of 2023 (Nagpur)</u> <u>(Through Video Conferencing)</u></p> <p>Dr. A.K. Dhok Dr. P.B. Ganvir Dr. P.V. Bawane Vs. The State of Maharashtra &amp; Ors.</p> <p align="right">..Applicants ..Respondents</p> <p>Heard Shri A.P. Tathod, learned Advocate for the Applicants and Shri M.I. Khan, learned Presenting Officer for the Respondents.</p> <p>2. All these three OAs. are taken together as all the applicants are working on the post of Live Stock Development Officer (LSDO), Grade-I at different places in Naxalite areas of District Gadchiroli, since last more than four years. Common ground of challenge to their respective transfer orders dated 15.5.2023 is that respondent-State has not transferred the applicants to the place of their choices but elsewhere and have breached their own policy laid down in GR dated 6.8.2002. Ld. Advocate for the applicants submits that applicants have given options of 3 places in different districts, which is not considered. Hence it is challenged.</p> <p>3. Applicant in OA No.456/2023 prays for status quo till reply is filed. He submits that applicant was earlier transferred by order dated 9.8.2021 from Vihirgaon to Wadsa, District Gadchiroli and the said order was challenged by the applicant by filing OA No.1014/2021 in which the Tribunal by order dated 12.11.2021 stayed the transfer order dated 9.8.2021 till filing of the reply by the State. Ld. Advocate submits that by transferring the applicant now the respondents have violated the order of the Tribunal.</p> <p>4. Ld. PO seeks time to file reply.</p> <p>5. Considered the submissions of both the sides and perused the order dated 12.11.2021. The said order of stay was passed in respect of earlier order of transfer dated 9.8.2021. Hence, that order will not come in way of the present transfer order. It is made clear that stay granted to a particular order does not mean that the stay is granted perpetuate against the respondent-State prohibiting the State from issuing any other further order. It is</p>

*u*

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>surprising to hear that respondent-State has not filed reply in this matter till today.</p> <p>6. Ld. PO submits that reply could not be filed since the matter was not listed on board till today.</p> <p>7. Registrar, Nagpur Bench is directed to submit explanation to the concerned Single Bench on 5.6.2023 and the said OA No.1014/2021 is to be placed before SB on 5.6.2023.</p> <p>8. Now coming to the present matters, the respondents are directed to take instructions and file short affidavit on 23.5.2023.</p> <p>9. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>10. Issue notice before admission returnable on 25.5.2023. The respondents are directed to file reply.</p> <p>11. 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. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>12. 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.</p> <p>13. By Hand delivery, speed post, courier notice to be served 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.</p> <p>14. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.</p>

(Mridula Bhatkar, J.)  
 Chairperson  
 18.5.2023

(sgl)

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram,  
Appearance, Tribunal's orders or  
directions and Registrar's orders

Tribunal's orders

18.05.2023O.A 459/2023 (Nagpur)

Dr V.S Rahate ... Applicant

Vs.

The State of Maharashtra &amp; Ors ... Respondents

1. Heard Shri D.P Dapurkar, learned advocate for the applicant and Shri M.I Khan, learned P.O for the Respondents.

2. Learned counsel submits that the applicant in view of Rule 7(1)(g) of the Revenue Department Allocation Rules of Notification dated 14.7.2021 prays that he is entitled to get a particular posting, i.e., in the office of Deputy Commissioner, Animal Husbandry, Yavatmal. Learned counsel for the applicant further submits that by this Notification the allotment and appointment of the post in the Revenue Department are governed and as per Rule 7(1)(g) a person who is going to retire within 3 years is exempted from the allocation in distribution of the Revenue Division.

3. Learned P.O submits that the applicant is promoted in the month of February, 2023 from the post of Assistant Commissioner, Animal Husbandry to the post of Deputy Commissioner, Animal Husbandry and it is a State level cadre.

4. It is necessary to hear the Respondent-State and learned P.O requires time to take instructions in the matter. No urgency is made out in the matter.

5. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

6. Issue notice before admission returnable on 25.5.2023.

7. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may 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)

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
---	-------------------

Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

9. By Hand delivery, speed post, courier notice to be served 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 seven days or service report on affidavit in not filed three days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption 'for Dismissal' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."

11. S.O to 25.5.2023.

(Mridula Bhatkar, J.)  
Chairperson

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>18.05.2023</u></p> <p><u>O.A 462/2023 (Nagpur)</u></p> <p>Shri Mangesh A. Lekuirwale ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Ms Sunita Kulkarni, learned advocate for the applicant and Shri M.I. Khan, learned P.O for the Respondents.</p> <p>2. The applicant challenges the order dated 8.5.2023 received by him on 16.8.2023 thereby issuing show notice to stop the annual increment of one year.</p> <p>3. Issue notice before admission returnable on 15.6.2023.</p> <p>4. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>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.</p> <p>7. By Hand delivery, speed post, courier notice to be served 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.</p> <p>8. In case notice is not collected within <u>seven</u> days or service report on affidavit in not filed <u>three</u> days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption '<u>for Dismissal</u>' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."</p> <p>9. S.O to 15.6.2023.</p> <p style="text-align: right;">/ (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>MA No.24/2023 in OA No.502/2021 (Nagpur) (Through Video Conferencing)</u></p> <p>The State of Maharashtra &amp; Ors.                 ..Applicants Vs. Shri H.Y. Metkar   ..Respondents</p> <p>Heard Shri M.I. Khan , learned Presenting Officer for the Applicants-original Respondents and Shri A.A. Potnis, learned Advocate for the Respondent-original Applicant.</p> <p>2. In OA No.502/2021 the Hon'ble Single Bench of the Tribunal at Nagpur by order dated 17.11.2022 has directed the respondents to complete the enquiry within six months from the date of receipt of order. The period of six months got over on 17.5.2023 and the enquiry is not completed.</p> <p>3. On query it was mentioned by Ld. PO that Enquiry Officer was appointed on 14.3.2023. Ld. PO submits that by letter enquiry officer has requested to grant five to six months period to complete the enquiry. This prayer is not acceptable at all. The enquiry officer is called upon to file reply and give explanation why he did not proceeded and completed the enquiry within two months after his appointment, otherwise contempt notice will be issued. He should submit the entire roznama and the steps taken.</p> <p>4. S.O. to 30.5.2023.</p> <p align="right">(Mridula Bhatkar, J.) Chairperson 18.5.2023</p> <p>(sg)</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. \_\_\_\_\_ of 20 \_\_\_\_\_

IN

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.458 of 2023 (Nagpur)</u> <u>(Through Video Conferencing)</u></p> <p>Dr. V.R. Inamdar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri R.V. Shiralkar, learned Advocate for the Applicant and Shri M.I. Pathan, learned Presenting Officer for the Respondents.</p> <p>2. The applicant is working as a Jailor, Group-I at Nagpur Prison. He took charge on 25.3.2023. His wife is posted at Judge in Labour Court, Ratnagiri from 7.7.2021. He submits that earlier the applicant has filed OA No.1099/2022. He relies on the order dated 19.12.2022 passed in OA No.1099/2022 by this Tribunal at Mumbai wherein the applicant earlier had requested to decide his representation for transfer at Yerwada, Satara or Ratnagiri on the ground of husband and wife unification policy of the Govt. At that time this Tribunal has passed the following order:</p> <p align="center"><i>"8. Respondents will have to pass appropriate order about the transfer of the applicant in General transfer of 2023. That time the applicant would be at liberty to make representation well in advance and it be considered appropriately."</i></p> <p>3. Ld. Advocate for the applicant submits that pursuant to the said directions the applicant has made representation dated 27.3.2023 with same prayer of giving him posting at Ratnagiri, Satara or Yerwada.</p> <p>4. Ld. PO submits that in between applicant was promoted from the post of Jailor, Group-II, Ratnagiri to Jailor, Group-I, Nagpur.</p> <p>5. The attention is drawn to Annexure R-11 where the vacancies which is going to occur are mentioned on account</p>

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>of promotion from the post of Jailor, Group-I to Superintendent at Pune, Konkan.</p> <p>6. Ld. PO submits that process of general transfer is going on and his representation is yet to be considered.</p> <p>7. In view of the facts of the matter and the submissions, this matter is disposed off with following order.</p> <p>8. The respondents are directed to decide the representation of the applicant dated 27.3.2023 at the time of present general transfers of 2023. With these directions the OA is disposed off.</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson 18.5.2023</p> <p>(sgj)</p>



# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_

of 20 \_\_\_\_\_

DISTRICT \_\_\_\_\_

..... Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>18.05.2023</u></p> <p><u>O.A 461/2023 (Nagpur)</u></p> <p>Savita B Dhewale ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri Ashitosh Dharmadhikari holding for A. Mardikar, learned advocate for the applicant and Shri M.I Khan, learned P.O for the Respondents.</p> <p>2. The applicant challenges the order dated 16.5.2023 passed by the Director General of Police, Mumbai, Maharashtra, whereby transfer of Police Officers were made on the basis of their request and the rejected the application of the present applicant to the extent of transferring Respondents no 5 &amp; 6 at Amravati instead of the applicant.</p> <p>3. The applicant is working as Office Superintendent at Loha Marg, Nagpur. The applicant seeks transfer from Nagpur to Amravati as her husband is working at Amravati. Further, she prays that the order dated 16.5.2023, passed by the D.G.P., M.S, Mumbai be stayed and also to keep the post at Amravati vacant till the final disposal of the Original Application.</p> <p>4. Learned counsel for the applicant submits that Respondents no 5 &amp; 6, though have put in less number of years at different places, their representations were considered, but the representation of the applicant was rejected.</p> <p>5. It is necessary to know the reason for rejection of the representation of the applicant, when there is a husband-wife unification policy of the Government. Moreover, the learned counsel for the applicant is directed to serve the Respondents no 5 &amp; 6 as they may be affected if the order in favour of the applicant is passed.</p> <p>6. S.O to 23.5.2023.</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson (P.T.O.)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Court, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>18.05.2023</u></p> <p style="text-align: center;"><u>C.A 249/2023 in O.A 460/2023 (Nagpur)</u></p> <p>Shri A.N. Nikhade &amp; Ors                      ... Applicants Vs. The State of Maharashtra &amp; Ors            ... Respondents</p> <p>1.     Heard Shri P.S Patil, learned advocate for the applicants and Shri M.I Khan, learned P.O for the Respondents.</p> <p>2.     No urgency is made out to grant interim relief.</p> <p>3.     S.O to 5.6.2023.</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p>Aku</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. \_\_\_\_\_ of 20  
IN

Original Application No. \_\_\_\_\_ of 20

## FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p style="text-align: center;">O.A. No.454 of 2023 (Nagpur) (Through Video Conferencing)</p> <p>Dr. N.B. Patil ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri N.S. Warulkar, learned Advocate for the Applicant and Shri M.I. Khar, learned Presenting Officer for the Respondents.</p> <p>2. The applicant who is working as Live Stock Development Officer (LSDO), Grade-I, Gumgaon, Tq. Hingna, District Nagpur is transferred by order dated 15.5.2023 to Panchayat Samiti, Arvi, Taluka Wardha in place of respondent no.6. Ld. Advocate submits that the applicant is challenging the said order on the ground that applicant is suffering from heart ailment and his daughter is also having some congenital heart disease. His wife is also in the Government service, who on promotion was transferred out of Nagpur is now brought back to Nagpur. She was transferred to Gondhia on promotion and brought back to Nagpur on account of husband and wife unification policy of the Govt. Ld. Advocate for the applicant submits that for the same reasons the applicant is also to be retained at Nagpur. He prays for interim order of status quo as respondents no.5 &amp; 6 are not yet relieved.</p> <p>3. Ld. PO seeks time to take instructions. He further states that if at all status quo is granted, entire chain of transfer of the LSDO is going to be disturbed.</p> <p>4. Considered the submissions of both the sides and it is found that respondents no.5 &amp; 6 who are private respondents are going to be effected if any interim relief is granted to the applicant. The respondents are directed to file short affidavit by giving reasons whether they can transfer the applicant to other nearby place or reason for their opposing the OA. At this stage no interim relief is granted. If at all in between any action is taken or any order is passed effecting status of the applicant, it is without prejudice.</p>	<p style="text-align: center;">O.A. No.454 of 2023 (Nagpur) (Through Video Conferencing)</p> <p>Dr. N.B. Patil ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri N.S. Warulkar, learned Advocate for the Applicant and Shri M.I. Khar, learned Presenting Officer for the Respondents.</p> <p>2. The applicant who is working as Live Stock Development Officer (LSDO), Grade-I, Gumgaon, Tq. Hingna, District Nagpur is transferred by order dated 15.5.2023 to Panchayat Samiti, Arvi, Taluka Wardha in place of respondent no.6. Ld. Advocate submits that the applicant is challenging the said order on the ground that applicant is suffering from heart ailment and his daughter is also having some congenital heart disease. His wife is also in the Government service, who on promotion was transferred out of Nagpur is now brought back to Nagpur. She was transferred to Gondhia on promotion and brought back to Nagpur on account of husband and wife unification policy of the Govt. Ld. Advocate for the applicant submits that for the same reasons the applicant is also to be retained at Nagpur. He prays for interim order of status quo as respondents no.5 &amp; 6 are not yet relieved.</p> <p>3. Ld. PO seeks time to take instructions. He further states that if at all status quo is granted, entire chain of transfer of the LSDO is going to be disturbed.</p> <p>4. Considered the submissions of both the sides and it is found that respondents no.5 &amp; 6 who are private respondents are going to be effected if any interim relief is granted to the applicant. The respondents are directed to file short affidavit by giving reasons whether they can transfer the applicant to other nearby place or reason for their opposing the OA. At this stage no interim relief is granted. If at all in between any action is taken or any order is passed effecting status of the applicant, it is without prejudice.</p>

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
---	-------------------

5. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
6. Issue notice before admission returnable on 25.5.2023. The respondents are directed to file reply.
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. Private service is allowed. Respondents are put to notice that the case may 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. By Hand delivery, speed post, courier notice to be served 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 seven days or service report on affidavit is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.

(Mridula Bhatkar, J.)  
Chairperson  
18.5.2023

(sgj)