

O.A. 590/2022 (S.B.)

(Y.D. Pittule Vs. State of Mah. & Ors.)

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

Dated : 03/06/2022.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre and S.A. Sainis, Id. P.Os. for the State.

2. The applicant was appointed on the post of Jr. Clerk on 19/2/1994 and subsequently promoted as Sales Tax Inspector and later on the post of Sales Tax Officer on 1/12/2012 and he joined at Nagpur. Admittedly, the applicant has completed tenure at the place of posting as per para-2 of the O.A. It is mentioned that the applicant suffered from paralytic attack on 4/5/2013 and subsequently suffered from heart ailment from the year 2017. Since the applicant is also on medical treatment from 2017 and routine check up. The relevant documents regarding medical is filed on page nos.21,24 &25. The applicant has made representation dated 14/3/2022 (A-8,P-83) and he has given choices on 13/5/2022 (A-7,P-75 to 81). Considering medical ground of the applicant, the respondents are directed to decide the applicant's representation along with choices within two weeks from the date of receipt of this order.

3. The learned counsel for applicant has relied on G.R. dated 9/4/2018 (A-4,P-35 to 56) and particularly provision in Schedule-1 Clause no.3 at page no.48 of the said G.R. and internal page no.14 of 22. Considering medical ground of the applicant, the respondents are directed to decide the applicant's representation within two weeks from the date of receipt of this order. Before that the respondents may call the applicant for counselling, considering his health condition and after counselling issue necessary transfer order. Till decision on the representation, the order dated 26/5/2022 (A-1,P-10) wherein the applicant's name appears at Sr.No.176 is stayed to the extent of applicant.

4. With this direction, the O.A. is disposed off. No order as to costs.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 594/2022 (S.B.)

(A.S. Metkar Ors. Vs. State of Mah. & Ors.)

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

Dated : 03/06/2022.

C.A. no.209/2022 -

Heard Shri G.G. Bade, Id. counsel for the applicants and Shri A.M. Ghogre and S.A. Sainis, Id. P.Os. for the State.

2. For the reasons stated in the application, the C.A. for Jt. O.A. is allowed and disposed off.

O.A. No. 594/2022 -

Heard Shri G.G. Bade, Id. counsel for the applicants and Shri A.M. Ghogre and S.A. Sainis, Id. P.Os. for the State.

2. The respondents are directed to consider the representation of the applicants dated 15/3/2022 (A-4,P-44) as and when transfer season will start.

3. The respondents are directed to issue transfer orders considering the provisions of G.R. dated 9/4/2018.

4. With this direction, the O.A. is disposed off. No order as to costs.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 588/2022 (S.B.)

(V.M. Somnathe Vs. State of Mah. & Ors.)

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

Dated : 03/06/2022.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Ghogre and S.A. Sainis, Id. P.Os. for the State and G.K. Bhusari, Id. counsel for Caveator (R/4).

2. As submitted by Id. counsel Shri G.K. Bhusari the Caveat application is allowed.
3. The learned counsel for the applicant submitted that the earlier transfer order of applicant was issued on 9/8/2021 (A-1,P-16) and challenging the said order the applicant had filed O.A.No.665/2021 and the order was passed by this Tribunal on 29/4/2022 (A-3,P-40 to 42).
4. Now the applicant has been transferred from Nagpur to Buldhana vide order dated 26/5/2022 (A-8,P-57) and aggrieved with this the applicant has approached to this Tribunal.
5. G.K. Bhusari, Id. counsel for Caveator has pointed out that the respondent no.4 was relieved from Buldhana on 1/6/2022 and joined at Nagpur on 2/6/2022. Both the documents are placed on record and marked Exh-X and X1 for identification. He has also pointed out that the applicant has been relieved from Nagpur for joining at Buldhana. It is marked Exh-X2. From which it is seen that the respondent no.4 has joined on 2/6/2022 at Nagpur and the applicant has been relieved on 2/6/2022 as per the muster roll noting on 2/6/2022.
6. The only question left with the problem of applicant, the respondent no.2 is directed to consider fresh representation within one week by calling the applicant for fresh counselling as per the G.R. dated 9/4/2018 and after counselling decide representation within three weeks from the date of receipt of representation. Till that time, considering the problem of payment of applicant, the applicant is advised to join at Buldhana under protest.
7. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
9. 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.
10. 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.
11. 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.
12. 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 is granted...

Vice-Chairman

dnk.

O.A.592/2022 (S.B.)

(V.L. Madavi Vs. State of Mah. & Ors.)

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

Dated : 03/06/2022.

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri A.M. Ghogre and S.A. Sainis, Id. P.Os. for the State.

2. The applicant was transferred from Territory Etapalli, Bhamragarh Forest Division to Territory Dechli, Sironcha Forest Division vide order dated 26/5/2022 (A-5,P-17) wherein the applicant is at Sr.No.2.
3. The learned counsel for the applicant has filed Govt. GAD G.R. dated 6/8/2002 (A-8,P-23 to 30), As per the Clause no. ३ (१) of the G.R. dated 6/8/2002, since the applicant is Class-III employee and squarely covered by this provision. It appears that the said order has been issued without considering this provision of the G.R. dated 6/8/2002 which is own Govt. order.
4. The respondents are directed to give counselling of the applicant and issue transfer order as per the provisions of G.R. dated 6/8/2002 and particularly as per the Clause no. ३ (१) of the G.R. dated 6/8/2002.
5. The learned P.O. pointed out that the applicant desires to continue at Bhamragarh. If he desires, the respondents may consider his case accordingly. Meanwhile, the learned counsel for the applicant submits that the applicant has not been relieved till now.
6. In view of this, the applicant's transfer order dated 26/5/2022 (A-5,P-17) in which the applicant is at Sr.No.2 is stayed to the extent of applicant only.
7. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.
8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

9. 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.

10. 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.

11. 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.

12. 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 is granted...

Vice-Chairman

dnk.

O.A.591/2022 (S.B.)

(Rajesh R. Boratwar Vs. State of Mah. & Ors.)

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

Dated : 03/06/2022.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri A.M. Ghogre and S.A. Sainis, Id. P.Os. for the State.

2. The applicant was transferred from Chandrapur Evaluation Office of Forest to Bhamragarh Forest Division vide order dated 26/5/2022 (A-1,P-10) wherein the applicant is at Sr.No.16. Admittedly, the applicant has completed normal tenure at Chandrapur and due for transfer.

3. The learned counsel for the applicant has filed Govt. GAD G.R. dated 6/8/2002 (A-7,P-29 to 35), As per the Clause no. ३ (१) of the G.R. dated 6/8/2002, since the applicant is Class-III employee and squarely covered by this provision. It appears that the said order has been issued without considering this provision of the G.R. dated 6/8/2002 which is own Govt. order.

4. The respondents are directed to give counselling of the applicant and issue transfer order as per the provisions of G.R. dated 6/8/2002 and particularly as per the Clause no. ३ (१) of the G.R. dated 6/8/2002.

5. In view of this, the **applicant's transfer order dated 26/5/2022 (A-1,P-10) in which the applicant is at Sr.No.16 is stayed to the extent of applicant only.**

6. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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.

S.O. after four weeks

Steno copy is granted...

Vice-Chairman

dnk.
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