

O.A. 756/2020 (D.B.)

(H.R. Tapare Vs. State of Mah. & Ors.)

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

Dated : 10/11/2020.

Heard Shri R.S. Parsodkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The service condition of the applicant has been changed by the impugned order dated 30/12/2019 (A-1,P-18) without giving any chance to the applicant and applicant has been put on 11 months on supernumerary post. In similar matters, this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity **the impugned order dated 30/12/2019 (A-1,P-18) be stayed till filing of the reply.**

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.

Vice-Chairman

dnk.

O.A. 757/2020 (D.B.)

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

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

Dated : 10/11/2020.

Heard Shri R.S. Parsodkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The service condition of the applicant has been changed by the impugned order dated 28/01/2020 (A-1,P-19) without giving any chance to the applicant and applicant has been put on 11 months on supernumerary post. In similar matters, this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity **the impugned order dated 28/01/2020 (A-1,P-19) be stayed till filing of the reply.**

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.

Vice-Chairman

dnk.

O.A. 758/2020 (D.B.)

(S.V. Kalley Vs. State of Mah. & Ors.)

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

Dated : 10/11/2020.

Heard Shri S.G. Joshi, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The service condition of the applicant has been changed by the impugned order dated 24/12/2019 (A-8,P-40) without giving any chance to the applicant and applicant has been put on 11 months on supernumerary post. In similar matters, this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity **the impugned order dated 24/12/2019 (A-8,P-40) be stayed till filing of the reply.**

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.

Vice-Chairman

dnk.

O.A. 720/2020 (S.B.)

(Dr. A.L. Upadhyay Vs. State of Mah. & Ors.)

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

Dated : 10/11/2020.

C.A. 288/2020 -

Heard Shri I.A. Fidvi, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 & 2 and Shri S.P. Palshikar, Id. counsel for R-3.

2. The learned counsel for respondent no.3 has pointed out letter dated 7th October,2020 (P-52) by which it appears that the applicant was not available in the Institute on 7th October,2020. He has written a letter to Shri Wararkar, Incharge Principal, Government Polytechnic, Sakoli that *"as discussed with you on 5th October,2020, I am unable to join duty due to personal reasons, please continue as In-Charge Principal till I join."* By this letter dated 5/10/2020 it has been made clear that applicant was not on duty at that time. The Government order was issued on 28/10/2020 (A-1,P-14) and in the said order, the Government has directed the Principal and Head of the Department to immediately join on new post. In para-2, the Government clearly says that transferred Principals and Heads of the Department should immediately get relieved and join to new post. The respondent no.3's

letter is shown by the learned Counsel which is at Annex-R-3, Page no.54 dated 29/10/2020. It is very clear by this letter that the respondent no.3 joined on 29/10/2020 and the applicant was not in the premises at that time, so there cannot be CTC between the applicant and the respondent no.3.

3. In view of this situation, the C.A.No. 288/2020 is allowed and disposed of. The stay granted in the order dated 2/11/2020 in para-4 is vacated. However, it is cleared that on 29/10/2020 Shri Wararkar was Incharge Principal of Government Polytechnic, Sakoli as per own admission by the applicant (Annex-R-3,P-52).

4. In view of this situation, it is crystal clear that the CTC has to be between the respondent no.3 and Shri Wararkar. The learned P.O., the learned counsel for the applicant and the learned counsel for the respondent no.3 are directed to produce the CTC between respondent no.3 and Shri Wararkar before the next date of hearing.

O.A. 720/2020 -

S.O. 03/12/2020.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 759/2020 (S.B.)

(U.M. Patil Vs. State of Mah. & Ors.)

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

Dated : 10/11/2020.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The learned counsel for the applicant has pointed out that transfer order dated 29/10/2020 (A-5,P-36) and in the reference no.2 it is shown that the establishment board no.2 meeting is also on 29/10/2020. At the same time, the learned counsel for the applicant has also pointed that the order has been signed on 22/10/2020 on page no.49. It does not appear to be possible that the order will be signed on 22/10/2020 before the meeting of the establishment board no.2 which is held on 29/10/2020. The respondents are required to clarify this point in the reply. By record, it appears that in previous round of order in O.A. 695/2019, this Tribunal has passed the order on 23/1/2020 and in order part (C) (P-25) following order was mentioned –

“ (c) The respondents are directed to post the applicant at Police Station, Gondia City.”

3. It is also interesting to note that in para-3 in last two lines it is mentioned that “ *within a span of about two and half years, the applicant was transferred frequently for more than 6 to 7 occasions.*” This fact also needs to be considered. The learned counsel for the applicant has also relied on G.R. dated 6/8/2002 (A-3,P-26). In the said G.R. on page no.5 of the G.R. and page no.30 of the O.A. point no.1 is mentioned as below –

^1- vlfnokl h {k=kr 3 o"l3plaxysdke dxy; k xV ^d* o xV
^M* P; k depk&; kulk R; kP; k i l r tP; k ftYg; kr l k b i ek.ks
ue.lwdk ns; kr ; k0; kr-*

4. Since the applicant has worked more than three years (from 16/5/2017-P-35 till today) in tribal/ naxalite area he was entitled to get relief as per the provisions of this G.R. However, this aspect has not been considered in order dated 29/10/2020. The applicant has been transferred from Gondia to State Intelligence Department, Mumbai, Police Head Quarter. The applicant's name appears at sr.no.268 of the order. After the Judgment in O.A.No. 695/2019 the respondents approached to the Hon'ble High Court and the Hon'ble High Court in its Judgment in Writ Petition St.No.5053/2020 (A-6,P-50) has granted interim stay to the impugned order dated 23/1/2020 passed by the M.A.T. In this situation, the applicant has also given choice at page no.35 and his choice is for request transfer –

(1) Palghar District

(2) Pimpri Chinchwad Police Commissionerate
and (3) Navi Mumbai Police Commissionerate.

5. The learned P.O. tried to plead that SIT and New Mumbai Commissionerate are same. However, this argument is not at all tenable. The learned counsel for the applicant has also filed document at Annex-A-1, Page no. 52 by which it appears that the applicant has been relieved as per the order dated 29/10/2020. It clearly appears first of all that the applicant has not been granted relief as per the G.R. dated 6/8/2002. The ld. P.O. submits that the Gondia District is not under the naxalite/ tribal area. However, it is not accepted.

6. In whole episode it appears that the applicant has not been granted relief as per the G.R. dated 6/8/2002 and order of transfer is also doubtful, because, it has been signed on 22/10/2020 whereas establishment board no.2 was held on 29/10/2020 as per the order itself.

7. In view of this situation, the relieving order dated 30/10/2020 to the extent of applicant only is stayed till further orders.

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

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

10. 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.

11. 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.

12. 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.

13. 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. 760/2020 (S.B.)

(K.B. Parkhe Vs. State of Mah. & Ors.)

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

Dated : 10/11/2020.

Heard Shri J.S. Wankhede, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The applicant is aggrieved with the order dated 4/1/2020 (A-9,P-29) issued by the SDO, Chandur Railway and he has approached the Tribunal.

3. The learned counsel for the applicant has prayed for interim relief, however, as pointed out by the learned P.O. the order was passed in the month of January,2020 and the applicant has approached to the Tribunal in the month of November,2020. The learned P.O. submits that regarding progress of recovery as per the impugned order, he needs to take instructions by Monday.

4. In the meantime, 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.

Vice-Chairman

dnk.

O.A. 562/2020 (S.B.)

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

Dated : 10/11/2020.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The applicant has filed representation dated 5/6/2020 (A-8,P-17). The respondents are directed to decide this application within 45 days from the date of this order.
3. In view thereof, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 761/2020 (S.B.)

(K.P. Thakre Vs. State of Mah. & Ors.)

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

Dated : 10/11/2020.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. It appears that in the first round of litigation, the applicant has filed the O.A. No. 396/2020 (P-20). This O.A. along with other O.As. was decided with a common Judgment on 20/10/2020 and in this Judgment following order has been passed –

“All the impugned transfer orders are hereby quashed and set aside. The respondent no.2 is directed to post the applicants on the same post which were held by them before issuance of the impugned orders. No order as to costs”.

3. According to this order, the respondents have issued order dated 9/11/2020 (A-5,P-29) and they have followed the orders of the Tribunal. Now the learned counsel for the applicant has pointed out the communication dated 9/11/2020 (A-6,P-30) addressed to the Tahsildars by the Resident Deputy Collector, Gadchiroli wherein the applicant's name appears at sr.no.1 as Mandal Adhikari and it is proposed to transfer as Awwal Karkun. As per this correspondence this will be violative of Judgment in O.A.No.396/2020.

4. The respondents are directed not to proceed further of this correspondence dated 9/11/2020 related to the applicant till filing of the reply by the respondents.

5. In the meantime, issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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 four weeks.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 762/2020 (S.B.)

(S.S. Barsagde Vs. State of Mah. & Ors.)

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

Dated : 10/11/2020.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. It appears that in the first round of litigation, the applicant has filed the O.A. No. 394/2020 (P-19). This O.A. along with other O.As. was decided with a common Judgment on 20/10/2020 and in this Judgment following order has been passed –

“All the impugned transfer orders are hereby quashed and set aside. The respondent no.2 is directed to post the applicants on the same post which were held by them before issuance of the impugned orders. No order as to costs”.

3. According to this order, the respondents have issued order dated 9/11/2020 and they have followed the orders of the Tribunal. Now the learned counsel for the applicant has pointed out the communication dated 9/11/2020 (A-2,P-12) addressed to the Tahsildars by the Resident Deputy Collector, Gadchiroli wherein the applicant's name appears at sr.no.3 as Mandal Adhikari and it is proposed to transfer as Awwal Karkun. As per this correspondence this will be violative of Judgment in O.A.No.394/2020.

4. The respondents are directed not to proceed further of this correspondence dated 9/11/2020 related to the applicant till filing of the reply by the respondents.

5. In the meantime, issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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 four weeks.

Steno copy is granted.

Vice-Chairman

dnk.***