

O.A. 665/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and Shri G.K. Bhusari, Id. counsel holding for Shri D.M. Kakani, Id. counsel for proposed respondent no.4.

At the request of Id. counsel for proposed respondent no.4, **S.O. 29/04/2022.**

Member (J).

dnk.

O.A. 145/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. After Vacation** for filing reply to the additional affidavit of applicant.

Member (J).

dnk.

O.A. 1053/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

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

At the request of Id. P.O., **S.O. After Vacation** for filing reply as a last chance.

Member (J).

dnk.

O.A. 956/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

Heard Shri R.L. Kadu, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-1 to 4. It is taken on record.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. After Vacation.

Member (J).

dnk.

O.A. 260/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. After Vacation** for filing reply.

Member (J).

dnk.

O.A. 397/2022 (S.B.)

(Ajay A. Mishra Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

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

2. The learned counsel for the applicant has pointed out the letter/ order dated 24/01/2022 issued by Deputy Commissioner, Amravati. As per this letter / order, the applicant was transferred from Kelapur, District Yavatmal to Yavatmal, till regular transfer in April/ May, 2022.

3. The learned counsel prayed to direct the respondents to implement the letter/ order dated 24/1/2022.

4. Heard learned P.O. Shri S.A. Sainis. The letter/ order itself shows that the applicant was transferred, till regular transfer in April/ May, 2022

5. In that view of the matter, the O.A. is partly allowed. The respondents are directed to implement the letter / order dated 24/1/2022 and consider the applicant for general transfers in the month of April/May,2022. No order as to costs.

Steno copy is granted...

Member (J).

dnk.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

**C.A. Nos. 149/2022 with 356/2021 in O.A.
659/2021 -**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1&2. None for R-3.

2. The transfer of the applicant was stayed by order dated 11/08/2021. Now the respondents / authority are making general transfers in the month of April/May2022. The applicant has made representation on 18/04/2022 and given 10 choice places for transfer / posting.

3. The respondents are directed to consider the representation of the applicant dated 18/04/2022 in the general transfers of April/May,2022.

4. With this direction, the C.As. and O.A. are disposed off. No order as to costs.

Member (J).

dnk.

O.A. 247/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondent no.1. None for other respondents.

2. The reply of R-2&3 is already filed on record.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1.

S.O. 16/06/2022.

Member (J).

dnk.

O.A. 307/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

Heard Shri G.N. Khanzode, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for respondent nos.1 & 2 and Shri S.N. Gaikwad, Id. counsel for respondent no.3 (Caveator).

2. Shri G.N. Khanzode, Id. counsel for the applicant submits that the Hon'ble Bombay High in Writ Petition No.2114/2022 has passed the specific order directing the respondents to file reply within seven days from the date of order.

3. The learned P.O. and Id. counsel for respondent no.3 (Caveator) submitted that they have no information about the order passed by the Hon'ble Bombay High Court.

4. Shri G.N. Khanzode, Id. counsel for the applicant is directed to file copy of order of Hon'ble Bombay High Court on record. In the meantime, the respondents to comply the order of Hon'ble Bombay High Court.

S.O. After Vacation.

Member (J).

dnk.

O.A. 259/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

Heard Shri K.C. Deogade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. The learned counsel for the applicant pointed out the order passed by this Tribunal dated 15/09/2021.

3. Issue notice to the respondents returnable **after vacation**. 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 vacation.

Member (J).

dnk.

O.A. 200/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

None for the applicant. Heard Shri S.A. Sainis, Id. P.O. for the respondents.

2. Specific directions are given by the Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.194/2020, decided on 22/09/2021. As per the directions of Hon'ble Bombay High Court, this Tribunal is directed to decide this O.A. within a period of four weeks from the date of appearance of the petitioner. The petitioner was directed to appear before this Tribunal on 29/09/2021. Today, none appeared for the applicant.

3. The matter be kept on the next date for final disposal. It is made clear that if the applicant or his counsel remained absent on the next date, the matter will be decided on merits.

S.O. 8/6/2022 for final disposal.

Member (J).

dnk.

O.A. 846/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

None for the applicant. Heard Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for R-4.

2. Today none appeared for the applicant. On the last occasion also none appeared for the applicant. This Tribunal has granted status-quo for transfer of applicant.

3. Shri S.N. Gaikwad, Id. counsel for respondent no.4 submitted that in view of the order of status-quo, the respondent no.4 aggrieved. Hence, put up this matter on **29/04/2022.**

Member (J).

dnk.

O.A. 384/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

S.O. After Vacation.

Put up along with other connected matter.

Member (J).

dnk.

O.A. 10/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

S.O. After Vacation.

Put up along with other connected matter.

Member (J).

dnk.

O.A. 692/2021 (S.B.)

(Dr. M.M. Kapgate Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 25/04/2022.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for respondent no.3.

2. The learned counsel for the applicant has pointed out the order passed by this Tribunal dated 17/08/2021. The applicant was working as a Live Stock Development Officer in the naxalite affected area from 1999 to 2011 and again he was posted in the Gadchiroli District and he served from 2017 to 2021. The applicant has served in Gadchiroli District nearabout 16 years.

3. The Government of Maharashtra has issued the G.R. dated 6/8/2002. In view of the said G.R., this Tribunal has stayed the impugned transfer of applicant order dated 9/8/2021 by which he is transferred from Halewara, Tq. Etapalli, Dist. Gadchiroli to Etapalli, Tq. Etapalli, Dist. Gadchiroli.

4. Heard Smt. K.N. Saboo, Id. counsel for the applicant. She has pointed out the Judgments of the Maharashtra Administrative Tribunal, Bench at Aurangabad. Same are taken on record and marked Exh-X and X1.

5. Heard Shri A.M. Ghogre, Id. P.O. for the respondent nos.1&2. He has submitted that in the said G.R. guidelines are given, which are not mandatory to transfer the employees from naxalite area to other area as per their choices.

6. The intention for issuing the said Govt. G.R. is very clear, some employees are intentionally posted in the naxalite affected area leaving beyond their families, They are facing many problems. Their problems shall not be continued for years together and therefore, the said G.R. was issued giving guidelines that employees who served for 2/3 years in naxalite affected area, then he/her should be posted as per his/her choice posting. Some other incentives also were given to the employees who are working in the naxalite area so that employees who worked in other part shall be interested to work in naxalite affected area. As per the said G.R. one

promotional pay is to be granted. In view of this G.R., all the employees working in naxalite area are getting the benefits of the G.R. dated 6/8/2002.

7. Though it is a guidelines, but it is to be followed by the concerned authority. Hence, transfer of the applicant is already stayed. Now the respondents / authority may pass the general transfers order. In view of the Govt. G.R. dated 6/8/2002, the applicant is entitled for choice posting as he has completed nearabout 16 years in the naxalite affected area. In that view of the matter, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned transfer order is hereby quashed and set aside to the extent of applicant only.
- (iii) The respondents are directed to give choice posting to the applicant as per the Govt. G.R. dated 6/8/2002 in the coming general transfers of April/May,2022.
- (iv) No order as to costs.

Member (J).

dnk.**

O.A.No.698/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/04/ 2022.**

C.A.No.25/2022:-

Heard Shri G.G.Bade, the ld. counsel for the applicant, Shri M.I.Khan, the ld. P.O. for the Respondents and Ms. A.Singh, the ld. counsel for the respondent no. 4.

2. At the request of ld. counsel for the applicant, **S.O. after summer vacation.**

Vice Chairman

Date:-25/04/2022.
aps.

O.A.Nos.483/18,255,256,257&258/2020(S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :25/04/ 2022.

Heard Shri Y.P.Kaslikar, the ld. counsel for the applicant & Shri M.I.Khan, the ld. P.O. for the Respondents.

2. At the request of ld. counsel for the applicant, **S.O. after summer vacation.**

Vice Chairman

Date:-25/04/2022.

aps.

O.A.No.405/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/04/ 2022.

Heard Shri A.Y.Humne, the applicant in person. Shri S.A.Deo, the ld. C.P.O. for the Respondents.

2. The ld. C.P.O. has filed reply on behalf of the respondent nos. 1 & 2 on amended part of the O.A.. It is taken on record. Copy of the same is supplied to the other side.

3. Matter is **admitted** and kept for final hearing.

4. The ld. P.O. waives notices for the respondents.

5. Applicant in person is requested for interim relief which is strongly objected by ld. C.P.O. on the ground that since pleadings are completed, there is no question of I.R. at this stage.

6. At the request of ld. C.P.O., **S.O. after summer vacation for final hearing.**

Vice Chairman

Date:-25/04/2022.
aps.

O.A.No.37/2022 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/04/ 2022.**

Heard Shri V.B.Pandey, the ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the Respondents.

2. The ld. counsel for the applicant submits that he has served all the respondents. He will submit the service affidavit today itself in the office.

3. The ld. P.O. requires time to file reply, **S.O. after summer vacation.**

Vice Chairman

Date:-25/04/2022.

aps.

O.A.No.368/2022 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/04/ 2022.**

Heard Shri M.G.Sarda, the ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the State. Await service of respondent nos. 2 to 4.

2. At the request of ld. counsel for the applicant, **S.O. after summer vacation to file service affidavit.**

Date:-25/04/2022.
aps.

Vice Chairman

O.A.No.413/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/04/ 2022.

Heard Shri A.P.Sadavarte, the ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the State.

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

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

4. 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.

5. 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.

6. 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.

7. 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.

8. **S.O. four weeks.**

Vice Chairman

Date:-25/04/2022.

aps.

Rev.No.16/2021inO.A.No.126/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/04/ 2022.**

Heard Shri I.S.Charlewar, the ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the Respondents. None for the respondent nos. 2 & 3.

2. Already by order dated 30.03.2021 prayer clause of applicant, clause (I) (ii) & (iii) have been allowed for the pensionary benefits which were claimed by the applicant. Since prayer clause itself has been allowed, there is no question of review. Hence, **Review Application is disposed of with no order as to costs.**

Vice Chairman

Date:-25/04/2022.
aps.

O.A.No.457/2021 (S.B.)

S.S.Shukla Vs. State of Maharashtra & 2 Ors.
Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/04/ 2022.

Heard Shri S.P.Palshikar, the ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the Respondents.

2. When order was passed on 17.09.2021, respondents had not filed their reply even after it was mentioned earlier that if reply is not filed, matter will be taken up on merit. Since, reply is not filed on 17.09.2021, matter was decided on merit. Now, respondents have filed reply on 27.01.2022 and as pointed out by ld. counsel for the applicant in para nos. 10 & 11 following submissions are made:-

“10. It is submitted that the office of the respondent no. 1 may kindly be given suitable time to decide the proposal submitted by the respondent nos. 1 to 3.

11. In the light of aforesaid submissions the respondent no. 1 may kindly be grant suitable time to take decision on the proposal submitted by the respondent nos. 1 to 3 to the Government in H.D. has to take such decision in conclusion with the General Administrative Department and Finance Department of State of Maharashtra. In view of the above appropriate order may kindly be passed in the interests of justice.”

3. We appreciate that respondent no. 2 has moved proposal to Home Department but it is not sufficient to decide such issue in Public Governance in such slow process way it reflects carelessness on the part of respondents. Particularly in para no. 11 whatever has been explained, it is general procedure i.e. passes to concerned department to G.A.D. and Finance department. Since matter pertains to a retired person who retired on 30.11.2012. It is also pointed out to respondent nos. 1 & 2 that applicant has retired on 30.11.2012 and now 10 years have been lapsed and still he is fighting for his pensionary benefits. Respondent nos. 1 & 2 are reminded that pensionary benefits of an employee are not charity to be done by the employer. They should understand this concept. If employee is on the verge of retirement unless there is something against him it should be processed and paid to him preferably before last

date of retirement. If now as early as possible when all the hurdles of case and D.E.'s are clear.

4. It is needless to say that Respondent no. 2 in fact Commander of a large Police Force and a fatherly figure, he should take the responsibility to depute a responsible person to respondent no. 1 office and ensure that proposal is cleared in time so that employees in the forces will have respect for him.

5. In this case, 10 years have been passed. In the interest of good Governance of the department of respondent nos. 1 & 2 should take the responsibility and ensure that proposal is submitted by respondent no. 2 dated 30.12.2013 and 31.12.2015 are decided as early as possible. In such situation, **respondent no. 1 is directed to examine the proposal submitted by respondent no. 2 dated 30.12.2013 (A-4, Pg. No. 89) and again second proposal as a reminder dated 31.12.2015 to respondent no. 1 (A-6, Pg. No. 93) and decide the matter within 60 days from the date of receipt of this order furnished by either party.**

6. With all these directions, **O.A. is disposed of with no order as to costs.**

7. **Steno copy is supplied to both the counsels.**

8. **Ld. C.P.O. is further directed to make sure that order be complied within limited time and no further extension will be granted in future.**

Vice Chairman

Date:-25/04/2022.
aps.

O.A.No.649/2021 with C.A.No.158/2022 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/04/ 2022.

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

2. Along with C.A. No. 158/2022, ld. counsel for the applicant has filed representation of the applicant dated 11.04.2022 addressed to C.C.F. (Territorial) Nagpur through D.C.F., Nagpur. D.C.F., Nagpur, who is already party as respondent no. 2. Since transfer season is going on considering the applicant's problem expressed in the application dated 11.04.2022. Respondent no. 2 is directed to consider the representation sympathetically and issue transfer order of applicant accordingly.

3. With this direction, **C.A. along with O.A. stands disposed of with no order as to costs.**

Vice Chairman

Date:-25/04/2022.
aps.

O.A.No.648/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/04/ 2022.

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

2. The ld. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

3. As submitted by ld. counsel for the applicant, applicant is also in person before the Tribunal. The ld. counsel for the applicant has pointed out that transfer order dated 08.08.2021 (A-1, Pg. No. 14) in which applicant name appeared is at Sr. No. 26. The applicant is working in Mobile Squad and he has been transferred to Wild life.

4. The ld. counsel for the applicant has relying on C.C.F., Nagpur letter dated 30.04.2021 (A-3, Pg. No. 27) in para no. 3 on page no. 28; it is mentioned as follows:-

“३. वनपाल सवंगर्गीतील जे कर्मचारी वन्यजीव, सामाजिक वनीकरण किंवा अकार्यकारी शाखेत कार्यरत आहेत व पदावधी पूर्ण झालेला आहे, त्यांना प्रादेशिक शाखेत बदलीने पदस्थापना देण्यात यावी.”

5. The ld. counsel for the applicant further submits that the choice which he is given at relevant time which is at A-4, Pg. No.29 is not relevant today. In this situation, applicant is at liberty to submit a

fresh choice within a week time to its controlling officer with representation. The fresh choice should be considered during the transfer season 2022.

6. Respondents should follow the directions issued by superiors and issue suitable posting order during this transfer season **within thirty days from the date of receipt of this order.**

7. With this direction, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-25/04/2022.

aps.