

O.A. 304/2021 (S.B.)

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

Dated : 31/05/2021.

Heard Shri S.P. Palshikar, Id .counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1, Shri D.M. Kale, Id .counsel for R-2 and Shri S.M. Bhagde, Id .counsel for R-3.

The Id. P.O. files reply of R-1. It is taken on record. Copies are served to the other sides. The learned counsel for respondent nos.2&3 desire some time to file reply. Time is granted.

S.O. 14/6/2021.

Vice-Chairman

dnk.

O.A. 214/2020 (S.B.)

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

Dated : 31/05/2021.

Heard the applicant in person and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 21/6/2021**
for filing reply.

Vice-Chairman

dnk.

C.P. 18/2019 in O.A. 123/2017 (D.B.)

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

Dated : 31/05/2021.

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

In view of certain points raised by the
learned P.O., the matter be kept **on 10/06/2021.**

Vice-Chairman

dnk.

***O.A. 411/2021 (S.B.)**

(Ashwin T. Kumbhare Vs. State of Mah. & Ors.)

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

Dated : 31/05/2021.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. Initially the applicant was put under suspension vide order dated 4/2/2021 (A-1,P-9). After that the applicant was reinstated in service vide order dated 28/4/2021 (A-3,P-12) and in the same order he was posted at Police Station, Hudkeshwar Nagpur City on the same place where he has been suspended. Subsequently, within one month, the applicant has been again transferred vide order dated 28/5/2021 (A-5,P-14) from Police Station, Hudkeshwar to Police Head Quarter, Nagpur. As per order dated 28/4/2021 (A-3,P-12) and order dated 4/2/2021 (A-1,P-9) it appears that the applicant was working at Police Station, Hudkeshwar and he was suspended while he was working in Hudkeshwar Police Station only and he was again posted in the same Police Station i.e. Hudkeshwar and the applicant joined there on 28/4/2021 (A-4,P-13).

3. The learned counsel for the applicant has relied upon the Govt. G.R. dated 10/5/2021 in which it has been mentioned in para-1 that transfer season for the financial year 2021-22 will be upto 30th June, 2021 only. However, in para-2 some exceptional circumstances have been given.

4. It appears that while issuing order dated 28/4/2021 (A-3,P-12), the respondents did not realise

that the applicant was placed under suspension in the same Police Station and posted him there. In order to rectify their mistake, the applicant has been again transferred vide order dated 28/5/2021 (A-5,P-14) from Police Station, Hudkeshwar to Police Head Quarter, Nagpur. However, aggrieved with order dated 28/5/2021 (A-5,P-14) the applicant has approached to this Tribunal.

5. Since transfer order is within one month which requires sufficient justification as per the Section 22 (N) of the Maharashtra Police Act, 1951, therefore, the **transfer order 28/5/2021 (A-5,P-14) is stayed** till filing of reply by the respondents.

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

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