

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

**M.A.No.374/2021 in M.A.No.384/2021 in T.A.No.1/2021
(W.P.No.4908/2021 Aurangabad)**

With

**M.A.No.375/2021 in M.A.No.379/2021 in T.A.No.2/2021
(W.P.No.2612/2021 Aurangabad)**

**1. MISC APPLICATION NO. 374 OF 2021
IN
TRANSFER APPLICATION NO. 1 OF 2021
(WRIT PETITION NO. 4908 /2021-AURANGABAD BENCH)**

The State of Maharashtra)
Through the Addl. Chief Secretary,)
Revenue & Forest Department,)
Mantralaya, Mumbai 400032.)
**....Applicants
(Org. Respd no.1.)**

Versus

1. Shivaji s/o Tukaram Shinde,)
Occ : Service as Assistant)
Commissioner, [B.C Cell], in O/o)
Divisional Commissioner)
R/o H. No. 13,)
Om Akanksha Housing Society,)
Plot No. 36, Parijat Nagar, Cidco,)
N-4, Aurangabad)
2. Sunil Vitthalrao Yadav,)
Occ : Service as Sub Divisional)
Office, Latur,)
R/o: "Sinhgad", Govt. Quarter,)
Opp Tahsil Office, Latur.)
**....Respondents
(Org. Applicants)**
3. The Additional Chief Secretary,)
General Administration Department,))
Mantralaya, Mumbai – 32.)
4. Shri Tushar s/o Eknath Thombre,)
Addl. Collector, Beed.)
C/o: Collector Office, Nagpur Road,)
Beed.)
5. Shri Arvind s/o Rameshrao Lokhande)
Addl. Collector, Latur,)
C/o: Collector Office, Latur.)

6. Shri Shankar s/o Ramchandra Barge))
Addl. Collector, Hingoli,))
C/o: Collector Office, Hingoli.))
7. Shri Pradeep s/o Prabhakar Kulkarni))
Residential Deputy Collector, Nanded))
C/o: Collector Office, Nanded.))
8. Shri Pratap s/o Sugreev Kale,))
Deputy Education Officer,))
C/o: Collector Office, Osmanabad.))
9. Shri Pandurang s/o Shankarrao))
Kamble, Sub Divisional Officer,))
Kandhar, Tal-Kandhar, Dist-Nanded.))
...Formal Respondent
(Ori Respondent nos 2 to 8)

2. MISC APPLICATION NO. 375 OF 2021
IN
TRANSFER APPLICATION NO. 2 OF 2021
(WRIT PETITION NO. 2612 /2021-AURANGABAD BENCH)

The State of Maharashtra))
Through the Addl. Chief Secretary,))
Revenue & Forest Department,))
Mantralaya, Mumbai 400032.))
....Applicants
(Org. Respd no. 1.)

Vs.

1. Smt Samiksha D/o Ramakant))
Chandrakar,))
Service-Deputy Commissioner))
[Revenue], Office,))
Aurangabad. R/at Plot No. 363,))
Sector-E, N-1, CIDCO,))
Aurangabad 431 003.))
2. Pandurang Ramrao Kulkarni,))
Service as Deputy Commissioner))
[Rehabilitation],))
Divisional Commissioner))
[Revenue], Office, Aurangabad.))
Opp. Kasliwal Corner, N-2, CIDCO,))
Aurangabad 431 003.))
...Respondents
(Ori Applicants)
3. The Additional Chief Secretary,))
General Administration Department,))
Mantralaya, Mumbai 400 032.))

4. The Additional Chief Secretary,)
Finance Department, Mantralaya,)
Mumbai 400 032.)
5. The Principal Secretary,)
Law & Judiciary Department,)
Mantralaya, Mumbai 400 032.)
6. Shri Vijay s/o Shankarrao Deshmukh)
Age : Major, Occ : Service as)
Additional Collector, Pune.)
7. Shri Trigun s/o Shamrao Kulkarni,)
Service as Deputy Commissioner,)
[Supply], Divisional Commissioner,)
[Revenue], Office Pune, Pune.)
8. Smt Rupali d/o Vilas Awale,)
Service as Additional Collector,)
Osmanabad.)
9. Smt Swati d/o Laxmanrao Deshmukh)
Service as Deputy Commissioner,)
[Supply], Divisional Commissioner)
[Revenue]'s office, Nasik Division,)
Nasik.)
10. Shri Arvind s/o Rameshrao Lokhande,))
Service as Additional Collector,)
Collectorate, Latur.)
11. Shri Tushar s/o Eknath Thombre,))
Service as Additional Collector,))
Collectorate, Beed.))
)...**Formal Respondent**
(**Ori Respondents 2 to 10**)

Mr. R.S. Apte, learned Senior Counsel with Ms. S.P. Manchekar, learned Chief Presenting Officer for the Applicants (Org. Respondents).

Mr. B.S. Shinde, learned Advocate for the Respondents No.4 to 9 in T.A.No.1/2021 and for Respondents No.6 to 11 in T.A.No.2/2021.

Mr. A.S. Deshpande, learned Advocate for the Respondents (Org. Applicant).

CORAM : Justice Ms. Mridula Bhatkar, Chairperson.

DATE : 15.11.2021

ORDER

1. These Miscellaneous Applications are filed by the Respondents for transfer of T.A.No.1/2021 and T.A.No.2/2021. The Original matters are for deciding the *inter se* seniority of the Deputy Collectors who are promotees and direct recruits and so challenge to the final seniority list dated 31.12.2020 is given.

2. This Tribunal by order dated 27.07.2021 has rejected the interim relief in O.A.No.236/2021 and O.A.No.237/2021, wherein the Respondents are same, the applicants in all the matters are similarly situated and the relief is also same. However, the G.R. regarding seniority is challenged in O.A.No.236/2021 and O.A.No.237/2021. The same is challenged in T.A.No.1/2021, but not in T.A.No.2/2021.

3. In T.A.No.1/2021 and T.A.No.2/2021 at ad interim relief stage order of status quo was passed by the Hon'ble High Court, Aurangabad bench dated 17.03.2021. Thereafter, the matters were transferred to the Tribunal and at present are placed before the Aurangabad Bench of this Tribunal for hearing on the confirmation or vacation of ad interim relief and status quo. The arguments on vacating / confirming order of status quo and ad interim relief are heard partly in the month of August, 2021 or November, 2021 and the matter is fixed for further arguments on 17.11.2021.

4. Earlier, the State of Maharashtra had made two Applications for transfer of T.A.No.1/2021 and T.A.No.2/2021 before this Tribunal.

However, those two applications for transfer were rejected on the ground of COVID-19 pandemic situation and also on the point of law of precedent.

5. The learned Senior Counsel Mr. Apte submits that the matter before the Hon'ble Division Bench of the Aurangabad Bench is going on and will proceed before the same Tribunal for the relief of vacating or confirming the status quo. However, these applications are made for transferring the matters from Aurangabad Bench to Mumbai in order to avoid further conflicting decisions which may occur in the future, if the matters are decided finally by two different Benches taking different views. He is also apprehensive of the multiplicity of proceedings and from the point of view of convenience and the availability of the record and attendance of the officers of the Mantralaya, the matters can be transferred from Aurangabad Bench to Principal Bench at Mumbai.

6. The learned Advocate Mr. B.S. Shinde appearing for the Respondents No.4 to 9 in T.A.No.1/2021 and for Respondents No.6 to 11 in T.A.No.2/2021 adopted the submissions made by learned Senior Counsel Mr. Apte.

7. Mr. Deshpande opposed that the applications for transfer mainly on the ground that earlier such applications were rejected by this Tribunal on the ground that the ad interim application is partly heard by the Division Bench of this Tribunal at Aurangabad. In two matters, M.As which are filed at Principal Bench at Mumbai, the pleadings are not yet completed. The matter is appearing under the caption of 'Due

admission'. The same is the case of T.A.No.1/2021 and T.A.No.2/2021 at Aurangabad.

8. I am of the view that the pleadings in all the matters at both the places should be complete. Applicants in O.A.No.236/2021 and O.A.No.237/2021 have challenged the order of this Tribunal refusing the interim relief by filing Writ Petition Stamp No.15567/2021 before the Hon'ble High Court on 20.08.2021. Therefore, I am of the view that the filing of this T.As at this stage is premature, as I do not find any other new ground to make again the application under Section 25 of the Administrative Tribunals Act, 1985.

9. Hence, I dismiss all the applications. The learned Senior Counsel Mr. Apte prays that the liberty be given to the Applicant-State to file application under Section 25 of the Administrative Tribunals Act, 1985, if it is required.

10. Miscellaneous Applications for transfer of T.A.No.1/2021 and T.A.No.2/2021 are hereby disposed of, with liberty, if any other new ground is emerged.

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk