

**BEFORE THE MAHARASHTRA STATE ADMINISTRATIVE
TRIBUNAL, MUMBAI BENCH
ORIGINAL APPLICATION NO.1346 OF 2024**

BETWEEN

SHRI.ATUL BABURAO PATIL

PETITIONERS

V/S.

STATE OF MAHARASHTRA AND OTHERS

RESPONDENTS

**AFFIDAVIT IN REPLY ON BEHALF OF THE
RESPONDENT NO.4**

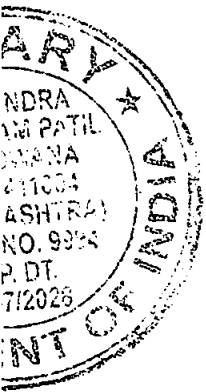
I, Shri.Balasaheb Bhikaji Hulge, Age – 56 Years, Working as Inspector (State Excise), Bhum Division, Dharashiv, Residing at – Empire State, Phase –I, Block No. G-501, Chichwad, Pune. Respondent No.4 above-named, do hereby state on solemn affirmation as under:-

- 1) I say that I have perused the aforesaid Original Application and I am filing this affidavit in Reply for the purpose of opposing the admission of this application.

2) With reference to Paragraph No. 6.1, it is submitted that no legal right of the applicant is violated. On the contrary the Respondent No.1, under the mistaken impression issued the posting order of the applicant on 10 /10/2024 to Flying Squad No.3 Pune in blatant violation of the orders of this Hon'ble Tribunal dated 28/08/2024 in O.A.No. 1076 of 2024. That the Respondent No. 3 has rightly issued the status quo order dated 11/10/2024, as the order of this Hon'ble Tribunal was flouted by issuing the posting order dated 10.10.24. it will also be pertinent to note at this juncture that the applicant has no legal right to insist for the posting at Flying Squad No.3, Pune, which was directed to be kept vacant by this Hon'ble Tribunal much earlier in point of time that is on 28/08/2024 .

3) With reference to Paragraph No. 6.6, it is submitted that the contents of this paragraph are misleading and the same are denied by me. I have not made any false submission which is evident from the contents of para 6.6. There is only one post in Pune city, and the other post is in Baramati in Pune district and not Pune City. The applicant can very well make a representation for being





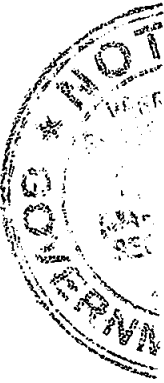
posted at United spirits Ltd which is at Baramati district Pune. Thus it is evident that it is the applicant who is trying to mislead this Hon'ble Tribunal and prejudice the mind of the Hon'ble Tribunal by making incorrect statements.

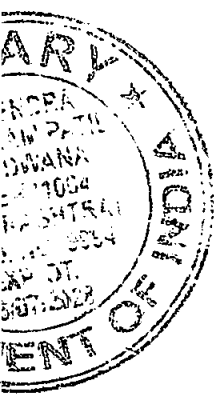
4) With reference to Paragraph No. 6.7, it is submitted in the contents of this para are not correct and the same are misleading and denied by me. No false fact in OA No. 1076 of 2024.

5) With reference to Paragraph No. 6.8, it is submitted that the contents of the para are not correct and the same is denied by me. I say that the post was vacant and even though I was suffering from cancer and I requested for being retained at Pune, I was transferred to Dharashiv which is caused injustice to me, there were no administrative exigencies to post me out of Pune City when post in Pune City was vacant.

6) With reference to Paragraph No. 6.9, it is submitted that the applicant for his own vested interest is misleading this Hon'ble Tribunal. The post at United spirits Ltd is in Baramati and not Pune

city. It will be pertinent to note that the distance from Pune to United Spirits Ltd Baramati Pimpalgaon is 130 kms and I will be required to travel 260 km every day, which is not possible with my medical condition. On the contrary, the office of Flying Squad No.3 is at Talegaon Dabhade and I am required to visit Pimpri Chinchwad, which is at a distance of 20 km, Talegaon, Lonavala, 30 km and Talegaon Khed which is again 30 km therefore, considering my health condition and that I'm taking treatment at Ruby Hall clinic, Pune, and also the family is residing at Pune, the posting at flying Flying Squad No.3. Pune is convenient for me. It will be pertinent to note that the order of the applicant was issued in blatant violation of the orders of the Hon'ble Tribunal dated 28/08/2024. Therefore, the Respondent No.3 has corrected the mistake by granting status quo to the posting order dated 10/10/2024. This is not a transfer order, but it is a promotion order and the posting on promotion of applicant is modified to Phattan Division Satara by order dt 15/10/2024 but does not want to join at Phattan. Firstly the applicant by using political pressure on Respondent no. 1 for extraneous reasons in a malafide manner got



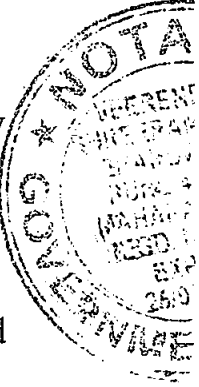


the posting by order dt 10/10/2024 which was in blatant violation of the order of the Hon'ble Tribunal. Now the Order dt. 10/10/2024 is modified on 15/10/2024, the applicant does not want to join the posting at Phattan, Satara.

7) With reference to Paragraph No. 6.10, it is submitted that the decision given by this Hon'ble Tribunal in OA No. 1272 of 2024 is not applicable to the facts of my case. In Catena of decisions, this Hon'ble Tribunal has taken into consideration the personal difficulties of the Government employee and has directed the Government to issue the orders, considering the hardship of the employees, such as illness, and education of children. Similarly the applicant also cannot bargain for any Particular Post.

8) With reference to Paragraph No. 6.11 it is submitted that it is absurd that the applicant is deciding which posting is convenient for me. I say that if the applicant is so interested in working at Flying Squad No.3, Pune, he can wait till 31/05/2025, and after period of six months, he can join on this post. I reiterate that posting in Pune

city is convenient for me and posting at Baramati is very inconvenient.



9) I say that I was transferred to Pune on 29/01/2024 and immediately by the order order at 17/08/2024, I have been transferred to Dharashiv. I entered into leave and license agreement on 03/03/2024 at Pune after being transferred to Pune. Copy of the leave and license agreement is annexed and marked as **Annexure R1**.

10) I crave the leave of this Hon'ble Tribunal to refer to the representation dated 05/08/2024, but the options given by me were not considered and I was transferred to Dharashiv despite my serious illness. Copy of the representation dated 05/08/2024 is annexed and marked as **Annexure R2**.

11) With reference to Paragraph No. 7.1, it is submitted that the applicant has already been given a modified posting by the order dated 15/10/2024.



12) With reference to Paragraph No. 7.2, it is submitted with the applicant was wrongly posted to Flying Squad No.3, ignoring the order of this Tribunal. I say that the post at Baramati is not convenient for me.

13) With reference to Paragraph No. 7.3 to submitted that the applicant can join in my place at Flying Squad No.3 after my retirement.

14) With reference to Paragraph No. 7.4, it is submitted that the contentions of this paragraph are totally baseless. There is no suppression of any material fact.

15) With reference to Paragraph No. 7.5, it is submitted that the my transfer order cannot be issued because of the change in staffing pattern as the post were vacant at Pune and I could have been accommodated on any of those posts as has been done in several other cases in Mumbai.

16) I say that except for the contentions of the Applicant which are specifically admitted by me all other contentions be treated as denied in toto.

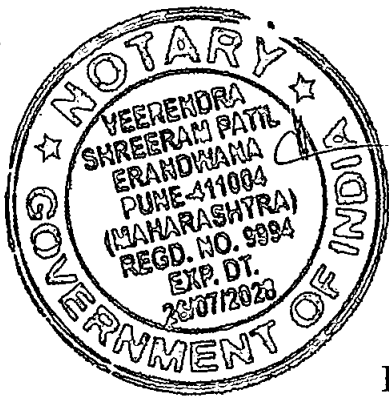
17) I say that considering the aforementioned facts, the Original Application No.1346/2024 be dismissed with cost.



Punam Mahajan
(ADVOCATE FOR THE RESPONDENT No.4)
(PUNAM MAHAJAN)

PUNE

DATE: 06/12/2024



VERIFICATION

ISHri. Balasaheb Bhikaji Hulge, the Respondent No.4, Age –

56 Years, Working as Inspector (State Excise), Bhum Division, Dharashiv, Residing at – Empire State, Phase –I, Block No. G-501, Chinchwad, Pune, do hereby verify that the contents of above paras are true to my personal knowledge and are believed to be true on the legal advice and that I have not suppressed any material fact.

Bhulge
B.B. Hulge

SIGNATURE OF THE RESPONDENT No.04

Punam Mahajan

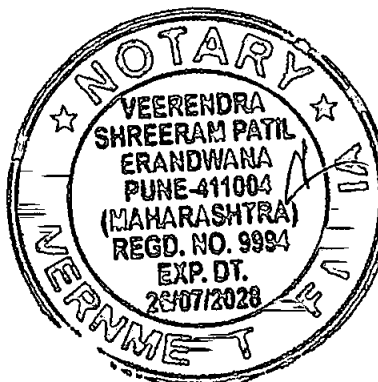
(ADVOCATE FOR THE RESPONDENT No.04)
(PUNAM MAHAJAN)

PUNE

DATE: 06/12/2024

BEFORE ME

VEERENDRA S. PATIL
NOTARY (GOVT. OF INDIA)
ERANDWANA, PUNE (MAHARASHTRA)
REGN. No. 9994



NOTED AND REGISTERED AT
SERIAL NUMBER 688/2024

6 DEC 2024

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STATE OF TENNESSEE
DEPARTMENT OF REVENUE
NASHVILLE, TENN.

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