

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 190 OF 2024 IN O.A.NO. 873 OF 2023

(Subject:- Modification)

DISTRICT:-JALGAON

- 1. The State of Maharashtra,**)
Through : The Secretary, Agriculture,)
Animal Husbandry, Dairy Development)
& Fishery Department, Hutatma Rajguru)
Chowk, Madam Cama Marg,)
Mantralaya, Mumbai-32.)
- 2. The Commissioner of Agriculture,**)
Agriculture Commissionerate,)
Central Building, 2nd Floor,)
Maharashtra State, Pune-5.)
- 3. The Joint Director of Agriculture,**)
Aurangabad Division, Near kranti Chowk,)
Adalat Road, Aurangabad.)
- 4. The District Superintendent Agriculture Officer),**
Aurangabad Near Shanoormiya Darga)
Chowk, Aurangabad.)

**)APPLICANTS
(Original Respondents)**

V E R S U S

Sunil Gahanaji Jadhav,)
Age-56 years, Occu. Service as Senior Clerk,)
(At present Suspended), R/o: Plot No. 32,)
Monali Communication, Near Aher Hospital,)
Jadhavwadi, Surewadi, Aurangabad.)

**)RESPONDENT
(Original Applicant)**

APPEARANCE : Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the applicants in M.A./respondents inO.A.

: Shri K.B. Jadhav, learned counsel for the respondent in M.A./applicant in O.A.

CORAM : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**
DATE : **18.06.2024.**

ORAL ORDER

Heard Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the applicants in M.A./respondents in O.A. and Shri K.B. Jadhav, learned counsel for respondent in M.A./applicant in O.A. finally with consent at admission stage.

2. Learned counsel for the respondent in M.A./Original applicant submits affidavit in reply to the Misc. Application seeking modification filed by the applicants/Original respondents.

3. This is decided matter and by judgment and order dated 27.03.2024, this Tribunal has partly allowed the Original Application and directed the respondent Nos. 2 and 3 to revoke the suspension order dated 29.07.2017 passed against the applicant forthwith and reinstate the applicant on the post of Senior Clerk in the office of respondent No.4.

4. In this connection, learned Chief Presenting Office after disposal of the matter has filed an application seeking

modification in the order since before the Original Application is disposed of by order dated 27.03.2024, the departmental enquiry came to be initiated against the applicant and in view of Government Resolution dated 20.04.2013, if the applicant is reinstated in terms of the order passed by this Tribunal, while disposing of O.A.No. 873/2023, the applicant cannot be kept at Chh. Sambhajinagar on the same post. In terms of Clause No. 'C' of the G.R. dated 20.04.2013, the applicant can be posted after his reinstatement in the different Taluka than the Taluka where he is suspended on non-executive post.

5. In connection with the Misc. Application filed on behalf of the State for modification of the order, the applicant has submitted affidavit in reply. Learned counsel on the basis of affidavit in reply submits that the applicant may be given the posting at Khultabad wherein one post is vacant. Learned counsel submits that the posting of the applicant in Taluka which is near to Aurangabad District may be considered on three grounds i.e. the daughter of the applicant is physically handicapped, the father of the applicant is 80 years of age at present and the applicant has to take care of

his father and further the applicant is going to retire within 10 months.

6. Learned Chief Presenting Officer has accepted that one post is vacant at Khultabad.

7. In view of above, this Misc. Application seeking modification in the order can be disposed of by directing the respondents by adding clause No. ii (a) in the operative part of the order that after reinstatement, the applicant may be posted in Khultabad Taluka as Senior Clerk. The necessary correction be carried out in terms of this order in the Misc. Application.

8. The Misc. Application is accordingly disposed of. No costs.

MEMBER (J)

Place:-Aurangabad

Date : 18.06.2024

SAS O.A. M.A. 190/2024 in O.A. 873/2023 /2021 (S.B.) Continuity