

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

ORIGINAL APPLICATION NO.499 OF 2016

DISTRICT : THANE

Mr. Tanaji Gokul Chavan.)
Age : 56 Yrs, Occu.: Instructor,)
R/at : Room No.1418, Ambedkar Nagar,)
Tal.: Ulhasnagar, Dist : Thane.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through the Secretary,)
Silk Development Department,)
Mantralaya, Mumbai - 400 032.)
2. The Director of Vocational Education)
& Training, Mahapalika Marg,)
Mumbai - 1.)
3. The Joint Director of Vocational)
Education & Training, Regional Office)
49, Kherwadi, Aliyaware Jung Marg,)
Bandra (E), Mumbai 51.)
4. The Principal.)
ITI, Balasaheb Thakurwadi,)
Mithaghar Road, Mulund (E),)
Mumbai.)...**Respondents**

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Mrs. V.K. Jagdale, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 01.03.2017

JUDGMENT

1. This Original Application (OA) pertains to the dispute with regard to the transfer of the Applicant being an Instructor in ITI, Mulund. The Applicant came to be transferred therefrom by the impugned order to ITI, Ratnagiri. There is an interim order made by this Tribunal presided over by the Hon'ble Chairman on 6.6.2016 on the strength of which the Applicant has continued to be posted at the same place i.e. ITI, Mulund and nobody else has been posted there at Mulund.

2. I have perused the record and proceedings and heard Mrs. V.K. Jagdale, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned Presenting Officer for the Respondents.

3. It is an indisputable factual position that the Applicant is set to retire on superannuation on 30th November this year i.e. 2017. The interim relief was granted on the basis that at that time, eighteen months period was only left for retirement and no positing was made vice the Applicant. Now,

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further time has elapsed and the period left for Applicant to be in harness has been reduced by further period of eight months. It seems that earlier by virtue of a Circular dated 28.4.2015 (Exh. 'C', Page 15 of the Paper Book (PB)), if the concerned employee was to retire within 1 to 2 years, his name would be eliminated from the list of eligible transferable employees. By a subsequent Notification of 25th April, 2016, this period was reduced to one year. However, in actual fact herein, now the period of less than one year is left for the Applicant's retirement and in as much as for whatever reason it may be, but no order of any other person's appointment has been made, in my opinion, the interim order can be confirmed and the OA can be allowed to that extent.

4. The order herein impugned stands hereby quashed and set aside. The interim order in force is hereby confirmed. The Applicant shall not be transferred till 30th November, 2017 which is the date of his retirement from ITI, Mulund. The Original Application is allowed in these terms with no order as to costs.

Sd/-

(R.B. Malik)
Member-J
01.03.2017

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Mumbai
 Date : 01.03.2017
 Dictation taken by :
 S.K. Wamanse.