

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 526 /2017
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date :

**ORIGINAL APPLICATION NO. 541 OF 2016.
(Sub :- Transfer)**

- 1 Shri Laxminarayan B. Mundada,
R/at. 501-B, Sheth Garden, Neelam Nagar, Mulund (E), Mumbai-81.
....**APPLICANT/S.**

VERSUS

- | | |
|--|--|
| 1 State of Maharashtra, Through
Principal Secretary, Department of
Co-Operation, Mantralaya,
Mumbai-32. | 2 Smt. S.S. Sarda, W/as. Deputy
Registrar office of the Additional
Commissioner Tribal Development,
Nagpur. |
|--|--|
- ...RESPONDENT/S**

Copy to : The C.P.O. M.A.T., Mumbai.


*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 25th day of **January, 2017** has made the following order:-*

APPEARANCE : Shri D.B. Khaire, Advocate for the Applicant.
Smt. K.S. Gaikwad, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **25.01.2017.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.


**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

(5)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A.541/2016**Mr. L.B. Mundada****... Applicant****Vs.****The State of Mah. & ors.****... Respondents**

Heard Mr. D.B. Khaire, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

This OA is brought by a Deputy Registrar, Cooperative Societies currently posted at Amravati seeking to challenge the order of transfer from Bombay to Gadchiroli.

The Affidavit-in-reply has not been filed although this matter is pending for long and clear directions were given by the Hon'ble Vice-Chairman on 2.9.2016 that if the Affidavit-in-reply was not filed by a particular date, they would not be allowed to file it later on. They have not filed it anyway.

I have perused the order dated 17.6.2016 at interim stage and another order dated 15.11.2016 both made by the Hon'ble Vice-Chairman. The learned Advocate Mr. Khaire submits that the Applicant has joined at Amravati and in fact, the issue of transfer ~~has~~ no more survives. But he submits that his salary for the period from June till he handed over the charge of his present post be paid to him within one month. That was observed in Para 7 of the order dated 15.11.2016. It is, therefore, quite clear that this Tribunal had already given directions to pay the salary and allowances to the Applicant. I am as much bound by that direction as anybody else would be and if the compliance of the payment within one month has not been made for all one knows, the defaulting parties are already in contempt. As of now, I would say nothing more than that.

Ms. Gohad, the learned PO furnished for my perusal a communication from Commissioner of Cooperation and Registrar, Cooperative Societies to the Brihan Mumbai Nagri Sahakari Banks Association Ltd, Mumbai, dated 4.1.2017 whereby a request was made that all the dues of the Applicant upto 16.11.2016 be cleared. The said communication is retained on the record of this matter. There is another letter of 4.1.2017 itself from the said Bank whereby an assurance was made that the salaries, dues would be paid to the Applicant within three days, but Mr. Khaire, the learned Advocate makes a

[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>25/1/17</u></p> <p>CORAM:</p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member)</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>D. B. Khaise</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>K. S. Gaikwad</u> C.P.O./P.O. for the Respondents</p> <p>Adj. To <u>O.A. is disposed</u> OT.</p> <p><i>(skw)</i></p>	<p>statement across the Bar that the Applicant has not received the same.</p> <p>In as much as there are already directions from this Tribunal presided over by the Hon'ble Vice-Chairman, I do not have to explain anything more but to reiterate what I have already observed above and for the sake of record, I repeat that the defaulting party may already been in contempt, but still I direct that the order of the Hon'ble Vice-Chairman be complied with within a period of four weeks from today and with this, the OA stands disposed of with no order as to costs.</p> <p><i>sd/</i> 25-1-17 (R.B. Malik) Member (J) 25.01.2017</p> <p>TRUE COPY <i>Malik</i> 27/1/2017 Asst. Registrar/Tribunal Officer Maharashtra Administrative Tribunal Mumbai</p>