

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO. 604 OF 2015

DISTRICT :PUNE

Shri Bhanudas Manikrao Khedkar)
Age 45 years, Occ. Govt. Service,)
Residing at Flat No. K-201,)
Kubera Sankool, Hadapsar,)
Pune – 400 028.)...**Applicant**

VERSUS

1. Deputy Director of Education,)
Pune division,)
17, Dr. Ambedkar Road,)
Pune – 411 001.)
2. Smt. Aruna Jagannath Londhe)
Work Shop Assistant,)
District Institution of Education)
and Training,)
Loni Kalbhor, District Pune.)
3. Shri A.A. Salgod)
Work Shop Assistant,)
District Institution of Education)
& Training, At- Post Valapur,)
District Solapur.)....**Respondents**

Shri C.T. Chandratre, learned Advocate for the Applicant.

Shri A.J. Chougule, learned Presenting Officer for the Respondent No.1.



Shri A.V. Bandiwadekar, the learned Advocate for the Respondent No.2.

None for the Respondent No.3.

CORAM : Shri Rajiv Agarwal, Vice-Chairman

DATE : 27.04.2016

ORDER

1. Heard Shri C.T. Chandratre, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondent No.1, Shri A.V. Bandiwadekar, the learned Advocate for the Respondent No.2. None for the Respondent No.3.

2. This Original Application has been filed by the Applicant challenging the order dated 5.6.2015 issued by the Respondent No.1 and he is seeking restoration of order dated 30.5.2015.

3. Learned Counsel for the Applicant argued that the Applicant was transferred from Sangamner, Dist. Ahmednagar to Loni Kalbhor, Dist. Pune by order dated 30.5.2015, issued by the Respondent No.1 in place of the Respondent No.2. The Respondent No.2 filed O.A. No.413 of 2015 before this Tribunal and by order dated 4.6.2015 this Tribunal stayed the transfer of the Respondent No.2 to Velapur, Dist. Solapur. As a result, the Applicant could not join at Loni- Kalbhore, Dist. Pune and his transfer is also

effectively stayed. Learned Counsel for the Applicant contended that he was transferred on request to Pune. He is a Group 'C' person, and has completed 5 years in Ahmednagar District. One of the reasons for staying order dated 30.5.2015 was that the present Respondent No.2 had not completed her tenure of six years in Pune District. Now, during the general transfers of 2016, she would have completed her tenure and the Applicant may be considered for transfer to Pune District in place of the Respondent No.2 who has been in Pune for total of 5 years considering her earlier tenures.

4. Learned P.O. for the Respondents argued that the transfer order dated 30.5.2015 has been stayed by this Tribunal by order dated 4.6.2015 in O.A.No.413 of 2015. The order dated 5.6.2015 has been issued to implement the order of this Tribunal dated 4.6.2015. Learned P.O. argued that the Applicant is not entitled to any relief.

5. Learned Advocate Shri A.V. Bandiwadekar stated that the Respondent No.2 was posted to Pune district in 2010 but she would not complete two tenures of 3 years each on 31.5.2016. She is, therefore, not due for transfer in the ensuing general transfers.

6. It is seen that the Applicant has challenged the order dated 5.6.2015 issued by the Respondent No.1. This order has been issued pursuant to the order issued by this Tribunal in O.A.No.413 of 2015 filed by the Present



Respondent No.2. As the transfer of the present Respondent No.2 from Pune to Solapur District was stayed by this Tribunal, the Applicant could not be transferred to Pune in the place of the Respondent No.2. The request of the Applicant to declare the order dated 5.6.2015 as illegal can not be granted. Similarly, the prayer to implement order dated 30.5.2015 can not be granted unless the stay order in O.A.No.413 of 2015 is vacated or that O.A. is finally disposed of.

7. It is however, clarified that if the present Respondent No.2 has completed her tenure in the present post as per the provisions of the Maharashtra Government Servant Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, the pendency of O.A.No.413 of 2015 filed by her will be no bar for the Respondents for issuing a fresh transfer order in accordance with law.

8. This Original Application is disposed of accordingly with no order as to costs.

Sd/-
(RAJIV AGARWAL)
(VICE-CHAIRMAN)

Date : 27.04.2016

Place : Mumbai

Dictation taken by : SBA

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