

(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
	<p data-bbox="586 462 786 491">Date : 04.09.2019.</p> <p data-bbox="797 510 1005 537">D.A.No.875 of 2019</p> <p data-bbox="586 541 1123 570">Smt. L. B. Sarole .....Applicant</p> <p data-bbox="586 572 662 599">Versus</p> <p data-bbox="586 601 1146 628">The State of Maharashtra &amp; Ors. ...Respondents.</p> <p data-bbox="586 659 1219 763">1. Heard Shri Bhavake, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p data-bbox="586 767 1227 1342">2. In the present O.A., the Applicant has challenged the impugned transfer order dated 19.08.2019 whereby he was relieved from the present post of Medical Officer, Primary Health Centre (PHC), Bajarbhogaon, Tal. Panhala, Dist.Kolhapur in pursuance of earlier order dated 07.06.2019 whereby the Applicant was directed to look after the work of Primary Health Center, Parali-Ninai, Tal. Shahuwadi, Dist. Kolhapur. Orders dated 07.06.2019 as well as 19.08.2019 both are passed by the Chief Executive Officer, Zilla Parishad, Pune. The Applicant contends that he being State Government servant, Chief Executive Officer, Zilla Parishad is not competent to transfer or to relieve him in such manner. He, therefore, prayed for interim relief.</p> <p data-bbox="586 1351 1227 1477">3. Per contra, learned P.O. submits that the say/reply of the Chief Executive Officer, Zilla Parishad is necessary and oppose the grant of interim relief.</p> <p data-bbox="586 1486 1230 1749">4. The issue that Medial Officer, Group 'A' cannot be transferred by the Chief Executive Officer, Zilla Parishad is already settled by this Tribunal in O.A.No.928/2019 decided on 19.06.2019. Wherein in similar situation, the order passed by the Chief Executive Officer, Zilla Parishad has been set aside.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Learned Counsel for the Applicant has also pointed out that by G.R. dated 28.03.2012, the powers of Zilla Parishad to transfer the Medical Officers are withdrawn and powers vested with the Government only.</p> <p>6. Thus, prima-facie, the Respondent No.3 i.e. Chief Executive Officer, Kolhapur is not competent to transfer the Applicant. The impugned transfer order, therefore, deserves to be stayed.</p> <p>7. For the aforesaid reason, interim relief in terms of prayer clause 10(a) is granted.</p> <p>8. Issue notice before admission returnable on 03.10.2019.</p> <p>9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>10. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>11. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>12. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>13. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>14. S.O. to 03.10.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p>

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION No.868 of 2019**

G.

**B.N. Raut**

)..... **Applicant**

**Versus**

**State of Maharashtra & Ors.**

)...**Respondents**

Shri A. V. Bandiwadekar, Counsel for the Applicant  
Shri A. J. Chougule, Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR , MEMBER (J)

DATE : 04.09.2019.

**ORDER**

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. In the present O.A., the Applicant has challenged the impugned transfer order dated 20.08.2019 contending that it is mid-term but not in consonance with Section 4(5) Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005) and, therefore, seeks stay to the transfer order.
3. The Applicant was working as Incharge Manager, Central Dairy, Aarey, Mumbai and has been transferred by the order dated 20.08.2019 to Bhandara. Admittedly, he has completed three years tenure. However, he was not transferred in general transfer but has been transferred by the order dated 20.08.2019.
4. Learned P.O. sought to justify the impugned transfer order contending that the transfer of the Applicant was approved by the Civil Services Board on 30.05.2019 as a general transfer but file was got delayed for approved by the Competent Authority. According to him, because of delay, the transfer order has

been issued belatedly on 20.08.2019. He, therefore, submits that the transfer being approved by the Hon'ble Minister as well as Hon'ble Chief Minister, there is a compliance of Section 4(5) of the 'Act 2005'.

5. I find myself unable to accept the submission advanced by the learned P.O. for the simple reason that the Applicant though due for transfer was not transferred in general transfer, which was required to be issued in the month of May. Even, he has completed three years, he could not be transferred mid-term without proper compliance contemplated u/s 4(5) of 'Act 2005' which requires special reasons or administrative exigency to be recorded in writing. However, in the present case, there is absolutely no such case of administrative exigency as admittedly, the matter has been processed as if, it is general transfer. Suffice to say, perusal of file produced by the learned P.O. clearly shows that there is no compliance of recording of reasons or to make out the special case to justify the mid-term transfer. Only because the transfer is approved by the Competent Authority that *ipso-facto* will not legalize the transfer order in absence of proper compliance of recording of reasons or to make out a special case. The impugned order, therefore, deserves to be stayed.

6. In view of above, interim relief in terms of prayer clause 10(a) is granted.

7. Issue notice before admission returnable on 03.10.2019.

8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

9. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

13. S.O. to 03.10.2019.

14. Before parting with the order, it is necessary to mention here that this Tribunal has come across several transfer orders issued by the department of Animal Husbandry, which has been passed without proper compliance of Section 4(5) of 'Act 2005'. It underscore either lack of proper legal assistance to the concerned authority or there is lack of coordination between the departments and, therefore, Tribunal is flooded with the transfer orders issued by the Animal Husbandry Department (near about 40 matters were filed on this subject). Therefore, it is high time that the Respondent No.1 should take note of this aspect and take remedial measures.

15. Copy be forwarded to Chief Secretary for information and necessary action, if deems fit.

Sd/-

(A.P. KURHEKAR)  
MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.764 OF 2019

A.S. Nayakwadi & Ors. .... Applicants  
Versus  
The State of Maharashtra & Ors. .... Respondents

Shri S.S. Dere, learned Advocate for the Applicants.

Ms. S.P. Manchekar, learned C.P.O. for the Respondents.

CORAM : Shri P.N. Dixit, Vice-Chairman  
Shri A.P. Kurhekar, Member(J)

DATE : 04.09.2019

PER : Shri P.N. Dixit, Vice-Chairman

ORDER

1. Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned C.P.O. for the Respondents.

2. The Applicants have appeared for examination Assistant Motor Vehicle, in response to the advertisement dated 01.07.2017 from the Sports Category. The Applicants has prayed as under :-

*"10(a) This Hon'ble Tribunal may be pleased to direct the Respondent to maintain the ratio of 1:3 for verification of documents of eligibility of candidates from the Sports Category, and in the event if the Applicants found suitable the name of Applicants may kindly be recommended to the post of AMVI in pursuant to the advertisement No.48 of 2017 dated 30.01.2017 published by the Respondent No.2 on the vacant post."*

3. Today during the hearing of the O.A. learned C.P.O. on instructions from Respondent No.1 submits that following the scrutiny made by the Respondent No.1, it is noticed that two candidates remained absent and 5 candidates have been noticed to be invalid on the basis of irrelevant documents.



4. Learned C.P.O. Ms. S.P. Manchekar for the Respondents on instructions further submits that as per Government Resolution dated 02.08.2019, 7 persons would be considered from the waiting list in place of others after providing opportunity to the candidates who were either absent or found invalid. According to her, the process will be completed within the period of four weeks.

5. In view of the above commitment, the Respondents are directed to ensure that 7 candidates from the waiting list are considered after exhausting the process mentioned above.

6. Learned Advocate Shri S.S. Dere for the Applicant submits that the O.A. may be kept pending. However, learned C.P.O. has submitted the affidavit on behalf of Respondent No.2. The relevant paragraph of the same is as under :-

*3. With respect to Para No.2.2.8.4 of the General Instructions to the candidates I humbly submit that :-*

*i) General instructions to the candidate published on the Commission's website are common for recruitments to be conducted by the Commission. Over the period of time those instructions are revised/modified as per the changing need of the recruitments processes, the latest instructions issued by the Government as well as the experience of the Commission. The said para No.2.2.8.4 was inserted in the General Instructions of the candidates very long back and in the course of revision/modification, decision was taken by the Commission to drop / delete the said para from the General Instructions to the Candidates along with several modifications to be made in the General Instructions to the candidates. The said decision was taken after considering the procedure followed by the Commission as well as the situations faced by the Commission over the period of time of its application. However, while carrying out the proposed revision/ modification of General Instructions of the candidates, inadvertently the said para no.2.2.8.4 was missed out to be dropped / deleted from the General Instruction to the candidates. The said fact is realized now only after been referred by the applicant. I tender my sincere apology therefor.*

*ii) I humbly submit that, though the para no.2.2.8.4 inadvertently remain to be deleted from the General Instructions to the candidates, the recruitment process for the post in issue have been carried out without*

6/50

*considering the said para as the decision to drop the said para was already taken.*

7. Learned C.P.O. further submits that the procedure for calling candidates in the ratio of 1:3 has been modified.

8. Learned C.P.O. is directed to instruct the concerned respondents to produce the decision taken by M.P.S.C. (Respondent No.2) on record, and complete the process stated in paragraph 5 above.

9. Adjourned to 05.11.2019.

Sd/-  
(A.P. Kurhekar)  
Member(J)

Sd/-  
(P.N. Dixit)  
Vice-Chairman

prk



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 04.09.2019.

O.A.No.701 of 2019

G. K. Galkwad .....Applicant  
Versus  
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. In the present O.A., the Applicant is retired as Sales Tax Officer and approached this Tribunal for direction to Respondent No.1 to release some of his retiral dues as well as some allowances of pre-retirement. He has made representation to the Respondent No.1 on 14.09.2018 as well as 16.02.2019 but in vain.

3. The Applicant stands retired on 31.05.2015. In Criminal Case, he was acquitted on 23.02.2018. At the same time, the D.E. was also initiated against him wherein punishment of reduction of pension of 6% permanently, was imposed by order dated 02.11.2016. The Applicant has challenged the punishment by filing independent proceeding which is subjudice. In so far as this O.A.701/2019 is concerned, it is restricted to pre-retirement and pro-retirement allowances/benefits. This being the position, O.A. can be disposed of with suitable directions. Hence the following order.

**ORDER**

- (A) Original Application is disposed of.  
(B) The Respondent No.1 is directed to consider the representation of the Applicant dated 14.09.2018 as well as 16.02.2019 about the allowances claimed by the Applicant and to pass appropriate order in accordance to rules within two months from today.  
(C) If the Applicant is found entitled to the monetary benefits, the same be released.  
(D) If the Applicant felt aggrieved by the decision of Respondent No.1, he may avail further recourse of law.  
(E) No order as to costs.

Sd/-

(A.P. Kurhekar)  
Member(J)

Date : 04.09.2019.

O. A. No.877 of 2019

Shri S. P. Dhavan

....Applicant

Versus

The State of Maharashtra & Ors. → ...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 18.09.2019.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 18.09.2019.

Sd/-

(A.P. Kurhekar)  
Member(J)

vsm

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.09.2019.</p> <p style="text-align: center;"><b>O.A.No.632 of 2019</b></p> <p><b>M. A. Kadam</b> .....Applicant</p> <p><b>Versus</b></p> <p><b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri S. R. Roundale, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</li> <li>2. In the present matter, the Applicant is challenging the suspension order dated 04.04.2015 whereby he was suspended in view of the registration of offence vide Crime No.19/2015 u/s 7, 13(1) (d) r/w 13(2) of the Prevention of Corruption Act, 1988.</li> <li>3. The Applicant contends that though the period of more than four years is over, he is subjected to prolong suspension without any justifiable reason.</li> <li>4. Material to note that the Applicant was acquitted in Special Case No.05/2016 by judgment dated 30.09.2016 but thereafter also no steps have been taken to reinstate the Applicant in service.</li> <li>5. Before the decision in Criminal Case, the departmental enquiry was also initiated against the Applicant and Enquiry Officer had already submitted the report on 12.05.2017 holding the Applicant guilty for one of the charge. However, no further action is taken on the report submitted by the Enquiry Officer though the period of more than two years is over.</li> <li>6. It is rather surprising that though the period of more than two years is over, no further action is taken on the report submitted by the Enquiry Officer.</li> <li>7. Learned C.P.O. has, therefore, directed to file Affidavit to explain the status of the file about final action on the report of Enquiry Officer and also to explain the delay in taking final action by filing Affidavit-In-Reply.</li> <li>8. S.O. to 18.09.2019.</li> </ol> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.09.2019.</p> <p>R.A. 16/2019 In O.A.340/2018 with R.A.17/2019 In O.A.343/2018 with R.A.18/2019 In O. A.344 of 2019</p> <p>R. M. Shivsharan &amp; Ors. ....Applicants</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission returnable on 03.10.2019.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p>8. S.O. to 03.10.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

(G.C.P. : 2959 (A) (50,000—3-2017)

[Spl.- MAT-F-2 E.

**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
	<p>Date : 04.09.2019.</p> <p>O.A.No.412 of 2019</p> <p>S. R. Kadam .....Applicant</p> <p>Versus</p> <p>The State of Maharashtra &amp; Drs. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.1 to 5. It is taken on record.</p> <p>3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 18.09.2019.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<div data-bbox="175 940 649 1271" style="border: 1px solid black; padding: 5px;"> <p>Date : 4/9/19  Coram : Hon'ble Shri P. N. Dixit &lt;VICA&gt;  Hon'ble Shri A. P. Kurhekar &lt;MJ&gt;</p> <p>Appearance :  Shri/Smt. B. A. Bandiwadekar  Advocate for the Applicant  Shri/Smt. A. J. Chougule  C.P.O. / P.O for the Respondents.</p> </div> <p>order Heard  order passed in Tribunal  column.  Hence CA is disposed off  as infructuous.</p>	<p>Date : 04.09.2019</p> <p>C.A.No.29 of 2018 in O.A.No.1054 of 2010</p> <p>A.J. Sawant ..... Applicant  Versus  The State of Maharashtra &amp; Ors. .... Respondents</p> <ol style="list-style-type: none"> <li>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O. for the Respondents.</li> <li>2. Learned Advocate Shri B.A. Bandiwadekar for the Applicant submits that compliance has been made and he has received necessary compliance orders. He therefore submits that C.A. may be disposed off as infructuous.</li> <li>3. Hence. C.A. is disposed off as infructuous.</li> </ol> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div data-bbox="747 1437 925 1592"> <p>Sd/-  (A.P. Kurhekar)  Member(J)</p> </div> <div data-bbox="1055 1437 1234 1592"> <p>Sd/-  (P.N. Dixit)  Vice-Chairman</p> </div> </div> <p style="margin-top: 10px;">prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<div data-bbox="284 1057 738 1360" style="border: 1px solid black; padding: 5px;"> <p><b>Date :</b> 4/9/19  <b>Coram :</b> Hon'ble Shri P. N. Dixit &lt;VICA&gt;  Hon'ble Shri A. P. Kurhekar &lt;ML&gt;</p> <p><b>Appearance</b>  Shri/Shri B. A. Bandiwadekar  Advocate for the Applicant  Shri/Ms. S. P. Manchekar for N.G. Gohad  C.P.O. / P.O for the Respondents.</p> </div> <p><i>Heard</i>  order passed in Tribunal column.  Hence, CA is disposed off as infructuous.</p> <p align="right"><i>D</i></p>	<p><b>Date :</b> 04.09.2019</p> <p align="center"><b>C.A.No.19 of 2019 in O.A.No.1090 of 2017</b></p> <p><b>M.M. Sawant</b> ..... Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> ..... Respondents</p> <ol style="list-style-type: none"> <li>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned C.P.O. holding for Ms. N.G. Gohad, learned P.O. for the Respondents.</li> <li>2. On instructions learned Advocate Shri B.A. Bandiwadekar for the Applicant submits that compliance is done.</li> <li>3. Hence. C.A. is disposed off as infructuous.</li> </ol> <p align="center">Sd/-  (A.P. Kurhekar)  Member(J)</p> <p align="center">Sd/-  (P.N. Dixit)  Vice-Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No.

of 20

I N

Original Application No.

of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<div data-bbox="168 940 641 1260" style="border: 1px solid black; padding: 5px;"> <p>Date : 4/9/19  Coram : Hon'ble Shri P. N. Dixit &lt;VCA&gt;  Hon'ble Shri A. P. Kurhekar &lt;MB&gt;</p> <p>Appearance :  Shri/Smt. B. P. Bandiwadkar  Advocate for the Applicant  Shri/Smt. A. J. Chougule  C.P.O. / P.O for the Respondents.</p> </div> <p>order Heard  order passed in Tribunal  column.</p> <p>Hence CA is disposed off  as infructuous.</p> <p style="text-align: right;">R</p>	<p>Date : 04.09.2019</p> <p>C.A.No.29 of 2018 in O.A.No.1054 of 2010</p> <p>A.J. Sawant ..... Applicant  Versus  The State of Maharashtra &amp; Ors. .... Respondents</p> <p>1. Heard Shri B.A. Banoiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O. for the Respondents.</p> <p>2. Learned Advocate Shri B.A. Bandiwadekar for the Applicant submits that compliance has been made and he has received necessary compliance orders. He therefore submits that C.A. may be disposed off as infructuous.</p> <p>3. Hence. C.A. is disposed off as infructuous.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/-</p> <p>(A.P. Kurhekar) Member(J)</p> </div> <div style="text-align: center;"> <p>Sd/-</p> <p>(P.N. Dixit) Vice-Chairman</p> </div> </div> <p style="text-align: left; margin-top: 10px;">prk</p>



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.09.2019.</p> <p style="text-align: center;"><b>O.A.No.804 of 2019</b></p> <p><b>Dr. K. S. Deshpande</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This Tribunal has passed detailed order on 19.08.2019 highlighting sheer negligence as well as lack of coordination while issuing the transfer orders. The Applicant was transferred by order dated 31.05.2019 and was relieved from the present post but he wants to join at the place of posting, he was told that another person namely Dr. Rajendra Mohite had already joined there on 20.10.2018. Accordingly, the District Health Officer, Zilla Parishad, Pune forwarded the report to the Government but no further step has been taken. Thus, the Applicant is out of posting for near about four months, which is loss of public money. Despite, the order dated 19.08.2019 passed by this Tribunal, no further order about the posting of the Applicant is issued. As such, he is kept without posting or work at the cost of public money.</p> <p>3. Today, learned C.P.O. has filed short reply of Under Secretary, Public Health Department stating that the file is under process for issuance of posting and transfer order of the Applicant. Beside, unconditional apology was also tendered for the mistake.</p> <p>4. In fact, by order dated 19.08.2019, the Respondent i.e. Principal Secretary, Public Health Department was directed to file Affidavit but the Affidavit is filed by the Under Secretary which is not in consonance with the order passed by this Tribunal.</p> <p>5. In view of above, one week's time is granted to learned C.P.O. for issuance of posting order of the Applicant as well as to file Affidavit of Principal Secretary, Public Health Department in terms of order passed by this Tribunal on 19.08.2019.</p> <p>6. S.D. to 13.09.2019.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar)  Member(J)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.09.2019.</p> <p style="text-align: center;"><b>O.A.No.777 of 2019</b></p> <p><b>B. K. Vane</b> ....Applicant Versus <b>The State of Maharashtra &amp; Ors.</b> ...Respondents.</p> <ol style="list-style-type: none"> <li>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</li> <li>2. In the present O.A., the Applicant has challenged the transfer order dated 29.06.2019. However, the Respondents realizing illegality in the procedure adopted by it, they withdrew the transfer order and reposted the Applicant. This being the position, no cause of action survives to continue the present proceeding.</li> <li>3. Learned Counsel for the Applicant submits that this is 2<sup>nd</sup> round of litigation and prior to this, earlier also the applicant was transferred by order dated 27.03.2019 which was challenged in O.A.No.379/2019 but the department cancelled the said order realizing its mistake and thereafter again issued second transfer order dated 29.06.2019 which also suffers from material illegality. He, therefore, prayed for cost.</li> <li>4. The Respondent has filed short Affidavit to explain that due to administrative mistake, proper procedure could not be followed and, therefore, realizing the mistake, the transfer order is withdrawn.</li> <li>5. In view of above, Original Application deserves to be disposed of as no cause of action survives.</li> <li>6. I am not inclined to grant cost but the Respondents should ensure proper compliance of law while passing the transfer orders so that the Tribunal is not burdened with the proceedings which could be avoided if proper course of law is followed.</li> <li>7. Original Application is disposed of with no order as to costs.</li> </ol> <p style="text-align: right;">Sd/- _____ (A.P. Kurhekar) Member(J)</p> <p>vsm</p>