

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATIONS 167, 168 170 & 230 OF 2016**

DISTRICT : MUMBAI

Shri A.B Dalvi ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

Shri A.V Bandiwadekar, learned advocate for the Applicants.

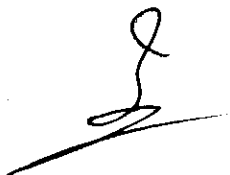
Ms Neelima Gohad, learned Presenting Officer for the Respondents.

CORAM : Justice A.H. JOSHI (CHAIRMAN)

DATE : 6.6.2016

ORDER

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicants and Ms Neelima Gohad, learned ~~Officer~~ Presenting Officer for the Respondents.
2. It is not in dispute that charge sheet is not filed in Crime No. 133/2013 of Azad Maidan Police Station.
3. It is reported that in the review Committee has taken decision to continue the suspension of the Applicants.
4. The Competent Head of Police Unit concerned ought to apply mind towards the reasons due to which the investigation of Crime No. 133/2013 may not be completed or the reasons as due to which final report is not filed if the investigation is completed.
5. Continuation of suspension for indefinite period by keeping the investigation or keeping pending the filing of final report is potentially unreasonable and arbitrary. The pendency depicts an unreasonable and unfair practice. The Authorities are expected to apply mind to this situation and find out solution, and issue suitable directions.



6. In view of foregoing observations, Addl. C.P, Crime who is reported to be at the helm shall apply mind to the situation and take appropriate measures/decision for ensuring that investigation is completed if it is not completed and cause filing of final report in Crime No. 133/2013, at Azad Maidan Police Station, Mumbai if investigation is completed and if there be no legal impediment.

7. In case for any reason investigation cannot be completed and/or final report cannot be filed, continuation of suspension for indefinite period would turnout to be unfair, and proper orders may have to be passed.

8. Additional C.P, Crime is directed to file an affidavit stating reasons as to why investigation is not completed/why final report is not filed on or before 18.7.2016.

9. Learned Presenting Officer is directed to communicate this order.

10. Steno copy and Hamdast allowed.

Sd/-

(A.H. Joshi, V. J. Joshi)
Chairman

Akn

M.A.184/2016 in O.A.272/2016

Smt. Varsha S. Desai ... Applicant
V/s.
1. Sau. S.H. Desai & ors. ... Respondents

The Applicant hereby seeks to get herself impleaded as party Respondent to the pending OA so as to make sure that no order adverse to her was made behind her back as it were.

I have perused the record and proceedings and heard S/Shri Kolge, Jagdale and the learned P.O. Wable.

It is not necessary for me to, in deciding this MA set out the facts in great detail. It will be suffice to mention that going by my order of 3rd May, 2016 especially Para 5 thereof, the Applicant hereof will have to be impleaded as party Respondent. As for rest, discussion may be deferred till the time the OA was finally heard and decided.

The Application is allowed. The original Applicant is hereby directed to implead the Applicant of this MA as party Respondent to the OA by an appropriate amendment to be effected within one week from today. A consolidated copy of the OA after amendment be filed and a copy be served to the newly added Respondent. The said Respondent is present. The Applicant is directed to serve her, here and now and the OA stands adjourned for Affidavit-in-reply to 20th June, 2016. The MA is allowed in these terms with no order as to costs. For the record, the said Respondent do waive service.

DATE: 6/6/16

CORAM:

~~Hon'ble Shri. RAHVAGARWAL~~
~~(Vice Chairman)~~

Hon'ble Shri R. B. MALIK (Member) J

APPEARANCE:

Shri/Smt. R.M. Kolge

Advocate for the Applicant

Shri/Smt. A.S. Wable

C.P.O. for the Respondents

Order passed in the Tribunal's court.

Adj. to

M.A. is Allowed.

(Signature)

Sd/-

(R.B. Malik)
Member (J)
06.06.2016

(skw)

O.A.512/2016

Shri D.A. Gawade ... Applicant

V/s.

The State of Mah. & ors. ... Respondents

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

I heard the submissions of both the sides. The learned C.P.O. on instructions from Subhash H. Umaranikar, Dy. Secretary, G.A.D. informs that no DPC is scheduled for the post of Joint Secretary till 13th June, 2016. Upon this statement, S.O. to 13th June, 2016.

Issue notice returnable on 13.6.2016.

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

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.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to ^{13th} June, 2016. The Learned C.P.O. do waive Service.

Sd/-

(R.B. Malik)
Member (J)
06.06.2016

DATE: 6/6/16

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL~~

(Vice-Chairman)

Hon'ble Shri R. B. MALIK (Member)

APPEARANCE:

Shri/Smt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit

C.P.O. for the Respondents

order passed in the
Tribunal's column.

Adj. To

13/6/16

(Signature)

(skw)

**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
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O.A. No.1017 of 2015

Shri G.N. Londhe & Ors. ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri S.D. Dhongde, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. It appears that the record of this OA was somehow or the other untraceable. It is now before the bench. On the oral request of the Ld. Advocate, time to comply with this bench's order of 15.2.2016 is extended till 7.6.2016. In the meanwhile affidavit in reply is taken on record. S.O. to 4.8.2016.

Sd/-

(R.B. Malik) 6.6.16
Member (J)
6.6.2016

DATE: 6/6/16

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL
(Vice-Chairman)~~

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. S.D. Dhongde

Advocate for the Applicant

Shri/Smt. A.J. Chougule

C.P.O. for the Respondents

*order passed in the
Tribunal's column.*

Adj. To

4/8/16 *Pub*

(sgj)

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

Tribunal's orders

Date : 06.06.2016.

O.A.No.507 of 2016

H.B. Rajage

.... Applicant.

Versus

The State of Maharashtra & Ors.

.... Respondents.

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 30.06.2016.

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. Heard on the point of interim relief. Applicant should join at transferred place. In the event, Applicant succeeds he can be restored to the original post.

8. S.O. to 30.06.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

DATE: 6/6/16

SIGNATURE:

(Signature of A.H. Joshi (Chairman))

(Signature of Punam Mahajan)

(Signature of K.S. Gaikwad)

(Signature of K.S. Gaikwad)

(Signature of K.S. Gaikwad)

(Signature of K.S. Gaikwad)

(Signature of K.S. Gaikwad)

(Signature of K.S. Gaikwad)

Ad. To: 30/6/2016.

HTE

(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
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Date : 06.06.2016.

O.A.No.461 of 2016

A.M. Naik

.... Applicant.

Versus

The State of Maharashtra & Ors

.... Respondents.


1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents:

2. Learned P.O. Ms. N.G. Gohad for the Respondents has tendered affidavit-in-reply for Respondents No.2 and

3. Those are taken on record.

3. Learned Advocate Shri K.R. Jagdale for the Applicant prays for time to consider the reply and file rejoinder, if necessary.

4. S.O. to 13.06.2016.


 Sd/-
 (A.H. Joshi, A.)
 Chairman

prk

DATE: 06/06

CORAM:

Hon. Mr. Justice A.H. Joshi (Chairman)

Hon. Mr. Justice (Member) A

K.R. Jagdale

N.G. Gohad

.....

Adj. To 13/6/2016

B.T.


(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: <u>9/6/16</u></p> <p>FILE NO.</p> <p>FILE NO. Shri A. H. Joshi (Chairman)</p> <p>FILE NO. Shri A. H. Joshi (Member) A</p> <p>APPEARANCE:</p> <p>FOR <u>Punam Mahajan</u></p> <p>Advocate for the Applicant</p> <p>SHR/SHRI <u>A.S. Wable</u></p> <p>C.F.C./P.O. for the Respondent/s</p> <p>Adj. To <u>9/6/16</u></p> <p><i>[Handwritten initials]</i></p>	<p><u>06.06.2016</u></p> <p><u>O.A No 503/2016</u></p> <p>DIST: PUNE</p> <p>Shri Arvind T. Gokule ... Applicant</p> <p>Vs.</p> <p>The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Mrs Punam Mahajan, learned advocate for the Applicant and Shri A.S Wable, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant has pointed out a detailed order passed by this Tribunal on 31.5.2016 in group of Original Applications accompanying O.A 447/2016. The present case is part of the same group.</p> <p>3. In view of the order passed in O.A 447/2016, ad-interim relief in terms of prayer clause 10(a) is granted.</p> <p>4. S.O to 9.6.2016.</p> <p style="text-align: right;">  Sd/- (A.H Joshi, J.) Chairman </p> <p>Akn</p>

(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
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Date : 06.06.2016.

O.A.No.460 of 2016

C.S. Dhotre Applicant.

Versus

The State of Maharashtra & Ors Respondents.

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. Shri N.K. Rajpurohit for the Respondents prays for two weeks time for filing affidavit-in-reply and un-served respondents will be served in the meantime.

3. Learned Advocate Shri K.R. Jagdale for the Applicant undertakes to take fresh service. Serve and file service report.

4. S.O. to 30.06.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

DATE: 6/6/16

COLAM:

Shri K.R. Jagdale (Chairman)

Shri N.K. Rajpurohit (Member) A.

K.R. Jagdale

N.K. Rajpurohit

Adj. T. 30/6/16

As per Hon'ble Court order dated 6.6.2016

Advocate / Parties has collected notice/s for service on Respondents on 6.6.2016

6.6.2016

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
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Date : 06.06.2016.

O.A.No.498 of 2016

D.S. Pawar Applicant.

Versus

The State of Maharashtra & Ors Respondents.

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
2. Learned P.O. Shri A.J. Chougule for the Respondents prays for time for filing affidavit.
3. Time as prayed for is granted.
4. S.O. to 10.06.2016.

Sd/-
(A.H. Joshi, J.)
Chairman

prk

DATE: 6/6/16
CHIEF JUDGE
Hon'ble Justice J.S. Patil (Chairman)

Advocate
K.R. Jagdale

Advocate
A.J. Chougule

Adj. To: 10/6/16

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 501 OF 2016

DISTRICT : PUNE

Mrs Swati Mahadev Gaikwad

... Applicant

Vs.

The State of Maharashtra & Ors

... Respondents

Mrs Punam Mahajan, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Justice A.H. JOSHI (CHAIRMAN)

DATE : 6.6.2016

O R D E R

1. Heard Mrs Punam Mahajan, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer prays for time for taking instructions and securing record. In the background Shri P.T More, Senior Clerk, in the office of Director General of Police, has not brought any record on instructions.

3. Learned Advocate for the Applicant prays for ad interim relief as in similar case of mid tenure transfer in O.A no 481/2016 & 458/2016 ad-interim relief has already been granted.

4. Applicant further argued that no reliever is posted to take charge from the Applicant.

5. In these premises, ad-interim relief in terms of prayer clause 10(a) is granted.

7. Reply, if any to be filed before next date.

8. S.O to 16.6.2016. Hamdast and steno copy allowed.

Sd/-

(A.H Joshi, J.)
Chairman

Akn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION 500 OF 2016

DISTRICT : PUNE

Mrs Swati K. Phulsundar ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

Mrs Punam Mahajan, learned advocate for the Applicant

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

CORAM : Justice A.H. JOSHI (CHAIRMAN)

DATE : 6.6.2016

ORDER

1. Issue notice before admission made returnable on 28.6.2016.
2. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
3. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
4. 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.
5. 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.



6. Heard Mrs Punam Mahajan, learned advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents on the point of interim relief.
7. The issues involved in this case is as to whether:-
- (a) The period of three years or the statutory tenure as prescribed in Section 3 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (the Transfer Act) should be construed strictly; and
- (b) Consequently should a shortfall even of few days in a statutory tenure be construed and strict adherence to section 4 of the Transfer Act be done.
8. Learned Advocate for the Applicant has relied on the final order passed by this Tribunal in O.A no 392/2015 and 694/2009.
9. At this stage, learned Presenting Officer states that he disputes the correctness of interpretation as done in these two cases and wants to verify as to whether the State would like to accede as ruled by this Tribunal or it would prefer to challenge it. He prays for weeks time to make a statement.
10. According to the learned Advocate for the Applicant Shri J.A Mahajan, who has been transferred in place of the Applicant did not report/demand to take charge of the post.
11. In view of the aforesaid background, Applicant prays for ad-interim relief.
12. In view of the foregoing situation the Respondent be served and Applicant can be protected by granting interim relief. Therefore, Ad-interim relief in terms of prayer clause 10(a) is granted till further orders.
13. S.O to 28.6.2016. Hamdast and steno copy allowed.

Sd/-

(A.H Joshi),
Chairman

Akn

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.511 OF 2016****DISTRICT: PUNE****M.N. Ghatte****.... Applicant.****Versus****The State of Maharashtra & Ors.****....Respondents.**

Smt. Punam Mahajan, the learned Advocate for the Applicant

Shri A.S. Wable, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 06.06.2016.

ORDER

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant, and Shri A.S. Wable, the learned Presenting Officer for the Respondents.
2. Issue notice returnable on 08.08.2016.
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. Heard on ad interim relief. Applicant has urged in support of ad interim relief on the following grounds :-

- (a) Applicant was posted at his present posting on 12.02.2015.
- (b) Applicant has completed less than three years of tenure.
- (c) Respondent No.3 is posted in the place of Applicant without issuing the order of transfer to the Applicant.
- (d) Order is malafide in law and arbitrary.
- (e) The order does not reflect that Applicant is transferred discloses on account of any of the reasons available under Section 25(N) of the Bombay Police Act, 1951.

8. Learned P.O. Shri A.S. Wable has called to produce the record. Perused the record. Certain facts which are apparent and evident from the record are as follows :-

- (a) P.E.B. was not consulted before transferring the Respondent No.3 in placed of the Applicant or for deciding the change of the applicant's posting.
- (b) Record does not reflect any reasons conforming to the requirement of Section 22(N) of the Bombay Police Act, 1951.

From whatever has transpired, the Applicant has made out the case for grant of protection in terms of ad interim relief.

9. Hence, till the Respondents file reply and till the O.A. is heard, there shall be ad interim relief in terms of prayer clause 10(a).

10. Respondent No.2 is directed to file affidavit on following point :-

Will it be legal and permissible for him to pass the order transferring the Respondent No.3 in place of the applicant without passing the order of applicant's transfer without recording the reasons as required under Section 22(N) of Bombay Police Act, 1951 and without following the procedure as mandated in case of TSR Subramanian 2006 (8) SCC, and consequent Government Resolution adopted the policy passed in TSR Subramanian 2006 (8) SCC.

11. In the affidavit answered the O.A. and the questions framed above need not be filed if the impugned order is withdrawn, in so far as it relates to Respondent No.3.

12. Respondent No.2 may file detail and para-wise reply, if needed.

13. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

14. S.O. to 08.08.2016.

Sd/-

(A.H. Joshi, 
Chairman

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.478 OF 2016

DISTRICT: THANE

N.S. Mane

.... Applicant.

Versus

The State of Maharashtra & Ors

....Respondents.

Shri A.V. Bandiwadekar, the learned Advocate for the Applicant

Smt. K.S. Gaikwad, the learned P.O. for Respondents.

Smt Punam Mahajan, the learned Advocate for Respondent No.2.

Smt. L.S. Puntambekar, learned Advocate for Respondent No.3

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 06.06.2016.

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant, Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents, Smt. Punam Mahajan, the learned Advocate for Respondent No.2 and Smt. L.S. Puntambekar, learned Advocate for Respondent No.3.

2. Record shows that this O.A. was heard on 01.06.2016. This Tribunal directed as follows :-

"It will not be proper to make any detailed statement as of today. The Applicant seeks interim relief. However, the facts are such where the Respondents must file their Affidavits-in-reply and if they failed to do so, the OA will still be heard for interim orders and the Respondents are directed to ensure that the record including the record of the transfer of Respondent No.2 is kept in attendance, so that if need be, the Tribunal could examine the same. The request of the Respondent No.2 for grant of two weeks' time is rejected because the urgent relief is being sought."

(Quoted paragraph 2 from farad order dated 01.06.2016.)



3. Learned P.O. Smt. K.S. Gaikwad was called to state as to whether the order is communicated.

4. Learned P.O. Smt. K.S. Gaikwad has tendered the copy of communication. It reveals the substance of order was duly communicated.

5. Officer Shri R.M. Patil, Desk Officer, office of Rural Development and Water Conservator, who is present states that he was present on last date and he has noted the order passed by the Tribunal and therefore today he is present with the record.

6. Perusal of record reveals that impugned order dated 20.05.2016 was passed on the basis of office note and was approved, during pendency of this O.A., and another order dated 04.06.2016 is passed thereby transferring the Applicant from the present post to the post of Lecturer in Gramsevak Training Center, Manjari, District Pune.

7. Record does not show that special reasons are recorded for transferring the Applicant from his present post. Even while transferred order dated 04.06.2016 is passed. The reasons reflect ~~to be~~ in the preamble of the order do not reveal ^{to be} special reasons and exceptional circumstances nor those are reflected from record.

8. Learned P.O. states on instructions from Shri R.M. Patil, Desk Officer who is present that the proposal for transfer of the Applicant as it is being a mid-term transfer, was submitted and it is still pending before the Hon'ble Minister.

9. Learned P.O. prays for time for filing reply.

10. Learned Advocate for Respondent No.2 urges that though Respondent No.2 was transferred in contemplation to the transfer of the Applicant now the transfer order dated 04.06.2016 is passed and Applicant is transferred at Pune itself. Therefore, it would not amount to transferring the Applicant to different

District, and therefore, at this stage the matter should not be heard for interim relief and let entire record be produced.

11. In the event the impugned order is found malafide it would be possible to restore the statues to the Applicant, therefore, grant of interim relief can wait without the O.A. come up for final disposal at admission hearing on the next date.

12. Affidavit, if any, be filed by the State be on the next date.

13. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

14. S.O. to 16.06.2016.

Sd/-
(A.H. Joshi, J)
Chairman

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.514 OF 2016****DISTRICT: SANGLI****S.G. Ramugade****.... Applicant.****Versus****The State of Maharashtra & Ors.****....Respondents.**

Shri V. Kolekar, the learned Advocate for the Applicant

Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 06.06.2016.

ORDER

1. Heard Shri V. Kolekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
2. Issue notice returnable on 23.06.2016.
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. Heard on the post of interim relief. Learned Advocate has pointed out that he has served intimation about the date of hearing along with the copy of O.A. by serving on all the Respondents, and also by serving copy on learned P.O. with the office of C.P.O..

8. It is seen that since the Applicant serves in 'C' category, normal tenure is of six years. Applicant has been transferred though he has completed the tenure of three years and nine months. The impugned order does not disclose that special reasons and exceptional circumstances exist for any one or all officers transferred through impugned order.

9. Reply or response has not come from Respondents though the Applicant has served intimation on the Respondents.

10. From the averments in O.A., the Applicant has made due case for grant of ad interim relief. Hence, ad interim relief is granted to the Applicant in terms of paragraph 10(a).

11. It is hoped that Respondents shall examine the points raised in the O.A.. Affidavit-in-reply be filed one week before due date.

12. It shall not be necessary to file reply, if order is modified to the extent of applicant on the ground that failure to record reasons and duration of the applicant at his present place of posting.

13. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

14. S.O. to 23.06.2016.

Sd/-
(A.H. Joshi, J.)
Chairman

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.508 OF 2016****DISTRICT: KOLHAPUR****M.S. Aitawade****.... Applicant.****Versus****The State of Maharashtra & Ors.****....Respondents.**

Shri A.V. Bandiwadekar, the learned Advocate for the Applicant

Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 06.06.2016.

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. Issue notice returnable on 18.08.2016.
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. By the impugned order, Applicant is transferred from Ichalkaranji to Sangli. Applicant's stay in Kolhapur District is of six years. However, his stay in Ichalkaranji is from January, 2016.

8. In this background namely Applicant's stay at Ichalkaranji is only for six months, Applicant has made a due case for grant of interim stay. Hence, by way of ad interim order relief in terms of prayer clause 10(a) is granted.

9. Consequential directions, if any, required for enabling the applicant to discharge duties at Ichalkaranji be passed by the Respondents.

10. Respondents shall be free to modify the order without waiting for decision unless they decide to contest to the O.A..

11. Steno copy and Hamdast is allowed to learned P.O..

12. Learned P.O. is directed to communicate this order to the Respondents.

13. S.O. to 18.08.2016, with liberty to circulate before due date after one week on filing the affidavit.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.487 OF 2016****DISTRICT: PUNE****A.J. Chavan****.... Applicant.****Versus****The State of Maharashtra & Ors.****....Respondents.**

Shri A.V. Bandiwadekar, the learned Advocate for the Applicant.

Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 06.06.2016.

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
2. Parties are common on fact as follows.
3. The case was heard by Hon'ble Member(J), Shri R.B. Malik and oral direction was given to the learned P.O. / Superintendent of Police (Rural), Pune to produce the report if any in the matter of misconduct against the Applicant and decision, if any, taken in that regard.
4. Learned C.P.O. Shri N.K. Rajpurohit has tendered communication received by him from Superintendent of Police (Rural), Pune.
5. Paragraph 2 of the letter dated 02.06.2016 reads as follows :

“याबाबत सादर करण्यात येते की, पोलीस अधीक्षक, पुणे ग्रामीण यांना विशेष पोलीस महानिरीक्षक, कोल्हापूर परिक्षेत्र, कोल्हापूर यांचेकडील आदेश क्रमांक आस्था-१/पोअ-पुणे.ग्रा./अ-रजा/२०१६-४६०६ दिनांक १८/०५/२०१६ अन्वये दिनांक २८/०५/२०१६ ते दिनांक १२/०६/२०१६ पर्यंत रजा मंजूर करण्यात आलेली सदर कालावधीत पोलीस अधीक्षक, पुणे ग्रामीण या पदाचा अतिरिक्त कार्यभार आम्हास सोपविण्यात आलेला आहे. सदरील अल्प कालावधीचे कार्यभारामुळे सर्व गोपनीय अभिलेख आम्हांस हस्तांतरीत करण्यात आलेले नाहीत. त्यामुळे दिनांक ०३/०६/२०१६

रोजीचे सुनावणीस पोशि/२२२८ अमित जयप्रकाश चव्हाण यांचे बदली बाबतचे रेकॉर्ड मा. न्यायाधिकरणाचे अवलोकनार्थ सादर करता येत नाही.”

(Quoted paragraph 2 from letter dated 02.06.2016.)

6. Shri Rajkumar Shinde, Superintendent of Police (Rural), Pune is directed to file affidavit on the point as to whether he does not have the access to the record as stated in the letter.
7. Affidavit be filed on the foregoing point on 08.06.2016.
8. Steno copy and Hamdast is allowed. Learned C.P.O. is directed to communicate this order to the concerned Respondents.
9. S.O. to 08.06.2016.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.484 OF 2016****DISTRICT: THANE****V.S. Lambhate****.... Applicant.****Versus****The State of Maharashtra & Ors****....Respondents.**

Shri A.V. Bandiwadekar, the learned Advocate for the Applicant

Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

Shri Prashant Thakare, Respondent No.2 present in person.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 06.06.2016.

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant, Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents and Shri Prashant Thakare, Respondent No.2 present in person.
2. Respondent No.2 appears in person and states that he would like to receive the copy if served, and prays for time for filing reply. Copy is delivered to Respondent No.2, and he waives service.
3. Learned Advocate Shri A.V. Bandiwadekar for the Applicant prays for time for amending the O.A. for incorporating order dated 04.06.2006 by which the Divisional Commissioner, Konkan Division has transferred Applicant as Assistant District Supply Officer, Raigad. He prays for leave to amend and in addition also prays for interim relief by way of stay of impugned transfer.
4. Learned Advocate Shri A.V. Bandiwadekar undertakes to carry out the amendment within two days and serve the amended copy on all Respondents.

5. Leave to amend and time for amendment as prayed is granted.
6. Heard on interim relief. Learned Advocate Shri A.V. Bandiwadekar argues that in the background that Respondent No.2 has not joined, interim relief may be granted.
7. Respondent No.2 is present and states that he has not reported on the place of transfer, as the Collector, Thane has asked the Applicant to wait with the code of conduct due to ongoing elections of Local Government is in operation.
8. Learned P.O. Smt. K.S. Gaikwad for the Respondents prays for time for filing reply.
9. In view of the facts recorded hereinbefore and points raised in O.A. and argued, it would be convenient to grant ad-interim relief stay in terms of prayer clause 10(a).
10. Respondents No.2 states that let the case be listed on board for reporting that amendment is carried out and serving copy of amended O.A. on 09.06.2016.
11. Further orders as regard grant of time to file reply will be made on the next date.
12. Steno copy and Hamdast is allowed to both the parties.
13. Learned P.O. Smt. K.S. Gaikwad is directed to communicate this order to the Respondents.
14. S.O. to 09.06.2016.

Sd/-

(A.H. Joshi, J) 
Chairman

prk

**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 : 06.06.2016.</p> <p>O.A.No.505 of 2016</p> <p>R.B. Badgujar Applicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. S.O. to 09.06.2016.</p> <p style="text-align: right;">Sd/- (A.H. Joshi, J.) Chairman</p> <p>prk</p>