

M.K. Satpute ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The applicant prays that the appeal of the applicant challenging order of minor punishment dated 11.9.2019 be decided before the meeting of DPC is convened for promotion. The Ld. Advocate for the applicant submits that applicant is not aware of the date of DPC.

3. Issue notice returnable on 10.9.2020.

4. In between the Ld. PO to take instructions from the concerned department and to inform if appeal can be decided. Meanwhile this application will become infructuous.

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

6. 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. Private service is allowed in view of this present COVID-19 Handemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. 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.

8. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.

9. Ld. PO waives service of notice.

Sd/-

(Mridula R. Bhatkar, J.)

Chairperson

13.8.2020

(Sg)

**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
<p><i>Received on behalf of Adv. Punam Mahajan</i></p>	<p style="text-align: center;"><u>O.A. No. 328 of 2020</u></p> <p>P.S. Kavate ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The respondents to file reply. S.O. to 10.9.2020 by way of last chance.</p> <p>3. While filing reply it is expected that the respondents to consider the ratio laid down by the Hon'ble Supreme Court in <u>Ajay Kumar Choudhari Vs. Union of India, (2015) 7 SCC 291</u>. The appeal of the applicant is not a bar to take steps in review in accordance with the law.</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 13.8.2020</p> <p>(sgj)</p>

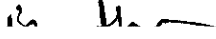
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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
	<p style="text-align: center;"><u>O.A. No.215 of 2020</u></p> <p>V.N. Dixit ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule. learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO informs that he has received para wise remarks from respondent no.3 and seems time to file reply.</p> <p>3. S.O. to 3.9.2020.</p> <p style="text-align: right;">  Sd/- (Mridula R. Bhatkar, J.) Chairperson 13.8.2020 </p> <p>(sgj)</p>

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

Tribunal's orders

O.As. No.306 & 307 of 2020

A.B. Gurav & Ors.

P.N. Adsul & Ors.

Vs.

The State of Maharashtra & Ors.

..Applicants

..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. It is pointed out that no transfer order was passed in favour of the applicants by the Commissioner of Police, Mumbai though Superintendent of Police, Satara has expressed willingness to accommodate the applicants in Satara by order dated 15.1.2020. It is also mentioned in the communication that if the applicants would not join within seven days from 15.1.2020 then the said order will deemed to be lapsed.

3. My attention is drawn to the Government approved regulation dated 26.10.2017 wherein the police personnel who has completed 8 years of service can be transferred if they fulfill certain conditions. I am shown the noting of the Joint Commissioner of Police, Mumbai dated 13.3.2020 wherein the Joint Commissioner has mentioned the decision of not considering the transfers of the police personnel unless they complete 10 years of service on a particular place.

4. I.d. CPO is hereby directed to show the GR whereby the period of service from 8 years to 10 years is extended.

5. S.O. to 18.8.2020.

Sd/-

(Mridula R. Bhatkar, J.)

Chairperson

13.8.2020

(sgj)

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

Tribunal's orders

O.A. No.353 of 2020

P.D. Kokare

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

Heard Shri R.M. Kolge, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. Applicant requests to withdraw Exh.G and H from record as mistakenly attached. Allowed.

3. The applicant is challenging the transfer order dated 24.7.2020 passed by respondent no.2 transferring him from Finger Prints Bureau, Pune to Finger Prints Bureau, Chandrapur. Ld. Advocate for the applicant submits that at the time of counseling the applicant has communicated his ten choices. However, out of these ten choices, he was sent to option no.9 given by him. He prays that he can be considered at Navi Mumbai Commissionerate which is which is option no.2 as the post is vacant there.

4. Ld. Advocate for the applicant submits that publication under Section 22(J)(3) of the Maharashtra Police Act wherein Police Establishment Board (PEB) is required to scrutinize and examine the transfer of the employees of specialized agencies. The applicant works in CID, Finger Print that is specialized agency. The applicant challenges the transfer order on the ground of breach of this mandatory provisions.

5. S.O. to 18.8.2020. It is informed that applicant is relieved yesterday. Ld. Advocate for the applicant submits that the matter could not be taken on board due to heavy rains and not found.

6. Ld. PO to take instructions. The applicant to work at Pune till then.

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
13.8.2020

(sg)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.371 of 2020</u></p> <p>R.U. Bhosale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant who is working as Seed Testing Officer is challenging order dated 10.8.2020 by which she is transferred from Pune to Raigad.</p> <p>3. Ld. Advocate submits that the applicant challenges the said order on following grounds:</p> <p>(a) Her name was not appearing in the list of employees for transfer.</p> <p>(b) Her file was not placed before the Civil Services Board.</p> <p>(c) The Hon'ble Chief Minister has not approved this transfer.</p> <p>4. She submits that the applicant is not yet relieved.</p> <p>5. Ld. PO on instructions states that this being general transfer due to COVID-19 which is delayed. General transfers are delayed and approval of the Hon'ble Chief Minister is not required. However, the Hon'ble Minister has approved and signed.</p> <p>6. Ld. PO submits that name of the applicant was not appearing in the initial due for transfer list and also her file was not placed before CSB.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. In view of these submissions the order dated 10.8.2020 of transfer of the applicant from Pune to Raigad is hereby stayed till 8.10.2020. The applicant to continue to work at Pune meanwhile on the same post. Ld. PO to file their reply.</p> <p>8. Issue notice returnable on 24.9.2020.</p> <p>9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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. Private service is allowed in view of this present COVID-19 Pandemic situation. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>13. Ld. PO waives service of notice.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/ (Mridula R. Bhatkar, J.) Chairperson 13.8.2020</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>O.A. No.350 of 2020</u>
	Dr. S.M.A. Sayeed ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents
	Heard Smt. Pujan Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
	2. Amendment in the prayer clause is allowed. To be carried out forthwith.
	3. The applicant prays that respondent no.2 be directed to pay the due amount of GPF Rs.1,43,307/- and also prays that recovery of Rs.1,56,584/- as per order dated 21.1.2020 issued by respondent no.2 be stopped.
	4. Till next date i.e. 24.9.2020 the recovery of the amount of Rs.1,56,584/- as per order dated 21.1.2020 is not to be recovered.
	5. Issue notice returnable on 24.9.2020.
	6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
	7. 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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
	8. 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.
	9. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.
	10. Ld. CPO waives service of notice.
	Sd/- (Mridula R. Bhatkar, J.) Chairperson 13.8.2020
(sgj)	

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.352 of 2020</u></p> <p>M.P. Shelke ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant who is a Forest Guard Class III challenges the transfer order dated 30.7.2020 transferring him from Pangri Forest Range, Barshi, District Solapur to Phadtan Forest Range, Malshiras, District Solapur.</p> <p>3. Ld. PO submits that she will have to go through the file and find out whether recommendations were made by Civil Services Board as per Section 4(2) and (5) of the Transfer Act</p> <p>4. Issue notice returnable on 18.8.2020.</p> <p>5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>6. 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. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>7. 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>8. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>9. Ld. CPO waives service of notice.</p> <p style="text-align: right;">/</p> <p style="text-align: right;">Sd/- (Mridula R. Bhatkar, J.), Chairperson 13.8.2020</p> <p>(sgj)</p>

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MUMBAI**

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IN

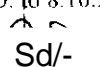
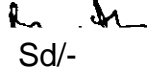
Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>MA.166/2020 in RA.6/2020 in OA.563/2019</u></p> <p>The State of Maharashtra & Ors. ..Applicants Vs. Mohd. H.H. Kacchi ..Respondent</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Applicants-original respondents and Shri M.B. Kadam, learned Advocate for the Respondent-original Applicant.</p> <p>2. At the request of Ld. Advocate for the respondent-original applicant adjourned to 3.9.2020.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) 13/8/2020 Vice-Chairman 13.8.2020</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.As. No.268 & 269 of 2020</u></p> <p>Balaji R. Savandkar T.D. Ghuge . . . Applicants Vs. The State of Maharashtra & Ors. . . Respondents</p> <p>Heard Dr. Gunratan Sadavarte, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Dr. Gunratan Sadavarte, Ld. Advocate for the applicants has given application to the Hon'ble Chairperson after 23.6.2020 that he would not appear before my Ld. Brother Shri P.N. Dixit, Hon'ble Vice-Chairman.</p> <p>3. In fact my Ld. Brother Shri P.N. Dixit has expressed that he himself rescued from all the matters filed by Ld. Advocate, Dr. Gunratan Sadavarte.</p> <p>4. In view of this application allowed.</p> <p>5. So all the matters of Dr. Gunratan Sadavarte, Ld. Advocate are not to be placed before the Bench where Shri P.N. Dixit, Hon'ble Vice-Chairman is party.</p> <p>6. Hence, the reply filed by the Ld. PO in OA. 268/2020 is taken on record in the capacity of Chairperson and copy given to the Ld. PO.</p> <p>7. Admit with liberty to file rejoinder, if any.</p> <p>8. S.O. to 8.10.2020.</p> <p style="text-align: center;">Sd/- (P.N. Dixit) Vice-Chairman 13.8.2020</p> <p style="text-align: center;">Sd/- (Mridula R. Bhatkar, J.) Chairperson 13.8.2020</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>C.A. No.22 of 2020 in O.A. No.870 of 2019</u></p> <p>S.M. SatheApplicant Vs. The State of Maharashtra & Ors.Respondents</p> <p>Heard Shri S.M. Sathe, Applicant in person and Ms. S.P Manchekar. learned Chief Presenting Officer for the Respondents.</p> <p>2. This contempt application pertains to contempt of the order dated 12.2.2020 passed by this Tribunal in the above OA. as there is no compliance by the three respondents of the said order.</p> <p>3. Party in person informed that he made a representation on 18.2.2020 as per the directions of the Tribunal. However, present three respondents were also respondents in the above OA No.870 of 2019. Now it is pointed out by the Ld. CPO and also confirmed by the party in person that the said representation dated 18.2.2020 was addressed to the Principal Secretary (Labour), Industries, Energy and Labour Department. The Labour Department who was subsequently added as respondent no.10 in the OA on receipt of the said representation dated 18.2.2020 sent copies of the said representation to present three respondents i.e. (1) Additional Chief Secretary (Services), GAD, (2) Additional Chief Secretary (Finance) and (3) Principal Secretary (Cooperation). Ld. CPO on instructions informs that all the three respondents have received copy of the said representation in first week of March, 2020. However, thereafter due to lock for COVID-19 the departments in Mantralaya were not functional with its full strength and therefore the representation could not be decided. However, the said representation is under consideration.</p> <p>4. On perusal of the impugned order dated 12.2.2020 the Tribunal in para 3 has not specifically given time limit to examine and decide the representation but the Tribunal has directed that the representation is to be examined and to be decided within a <u>reasonable period</u>. Thus, the contempt application can be disposed off with following directions.</p> <p>5. All the respondents are directed to examine and decide the representation dated 18.2.2020 on or before 19.10.2020. The respondents should take note that the compliance of this order is to be made effectively as per the time schedule. CA is disposed off. Steno copy granted.</p>
	<p style="text-align: center;">Sd/- (P.Ni Dixit) 13/8/20 Vice-Chairman 13.8.2020 (sgj)</p> <p style="text-align: center;">Sd/- (Mridula R. Bhaskar, J) 13/8/20 Chairperson 13.8.2020</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	O.A. No.810 of 2018
	T.L. Savane Applicant Vs. The State of Maharashtra & Ors. Respondents
	Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
	2. This application is moved praying that the order dated 14.8.2018 issued by respondent no.1 to take action and demote the applicant is bad in law and be set aside.
	3. The reply of the respondents is received and rejoinder is also filed. Thus the matter is ready for hearing. It is adjourned to 8.10.2020.
	4. However, the matter is listed today pursuant to the order dated 30.7.2020 as the applicant is required to undergo heart surgery and needs rupees four lakhs approximately for the same from his retirement benefits.
	5. Ld. CPO on instructions informs that without prejudice, as a stop gap arrangement the remaining amount of GPF can be paid. Ld. Advocate for the applicant submits that in GPF rupees ninety thousand approximately are accumulated and are to be paid.
	6. Ld. CPO submits that the order passed by this Court may be subject to the outcome of this OA.
	7. Considered the submissions of Ld. Advocate for the applicant and the Ld. CPO.
	8. In view of the health problems of the applicant the respondents are hereby directed to pay the remaining amount of GPF and rupees three lakhs from the gratuity amount. The payment of rupees three lakhs is considered as provisional payment from the gratuity to meet the medical need of the applicant. It is to be paid within two weeks on or before 19.8.2020.
	9. S.O. to 8.10.2020.
	Sd/-  Sd/- 
	(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson 13.8.2020 13.8.2020
	(sgj)


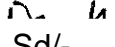
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>M.A. No.194 of 2020 in O.A. No.354 of 2020</u></p> <p>K.R. Gupta & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  Sd/- (P.N. Dixit) Vice-Chairman 13.8.2020 (sgj) </div> <div style="text-align: center;">  Sd/- 18/08/20 (Mridula R. Bhatkar, J.) Chairperson 13.8.2020 </div> </div>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.354 of 2020</u></p> <p>K.R. Gupta & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Issue notice returnable on 6.10.2020. Ld. CPO waives service of notice.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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. Private service is allowed in view of this present COVID-19 Pandemic situation. 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 before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. Respondents to file reply well in advance, at least one week before the returnable date and it is to be served on the applicants.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">13/8/2020 (P.N. Dixit) 13/8/2020 (Mridula R. Bhatkar, J.)</p> <p style="text-align: center;">Vice-Chairman Chairperson</p> <p style="text-align: center;">13.8.2020 13.8.2020</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A.No.

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Original Application No.

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	<p align="center"><u>Q.A.No.77/2020</u></p> <p>S.V. Varunjikar ... Applicant Vs. State of Maharashtra ... Respondents</p> <p>1. Heard Shri P.S. Pathak, learned Counsel for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the impugned transfer order dated 22.01.2020 whereby he was transferred from the post of Fisheries Development Officer, Satara to Fisheries Development Officer and Assistant Commissioner, Sindhudurg, Malvan inter-alia on the ground that it is mid-term and mid-tenure transfer without compliance of Section 4(5) of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Transfer Act 2005' for brevity).</p> <p>3. When the matter was heard for consideration of interim relief, the file was tendered by learned P.O. to show that the Applicant was transferred on the ground of administrative exigency with the approval of Civil Services Board. However, the Tribunal found that no reasons or grounds were mentioned as to what constitute administrative exigency and how it is special case for mid-term and mid-tenure transfer as contemplated under Section 4(5) of 'Transfer Act 2005'. Besides, there is no approval of Hon'ble Chief Minister as mandated under Section 4(5) of 'Transfer Act 2005'. The transfer was approved by Hon'ble Minister incharge of the Department only. Having found so, the Tribunal, has granted interim relief and the impugned order was stayed by order dated 24.01.2020.</p> <p>4. Since then, the matter was adjourned from time to time for filing reply of the Respondents on the request of learned P.O.</p>

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	<p>5. On 16.06.2020, specific directions were given to the Respondents that O.A. will be heard without reply at the state of admission. Thus, despite enough chances, no reply is filed. Consequently, the averments made by the Applicant that there was no special case or any such administrative exigency to qualify mid-term transfer under Section 4(5) of 'Transfer Act 2005' gone unchallenged for want of reply in rebuttal.</p> <p>6. Apart, as noted by this Tribunal, this being the case of mid-term and mid-tenure transfer, there has to be compliance of Section 4(5) of 'Transfer Act 2005' which <i>inter-alia</i> provides for recording reasons in writing to qualify it a special case for mid-term transfer, that too, with the approval of next higher competent transferring authority, as mentioned in Table below Section 6 of 'Transfer Act 2005' which is completely missing. Recording of reasons is not formality and only caption that it is on administrative ground cannot be said compliance of law. No reason even for namesake is mentioned. The Competent Authority as per Table of Section 6 is Hon'ble Chief Minister whose approval is admittedly not obtained. This being the position, the Tribunal has no other choice/option except to make interim relief absolute. Hence, the following order.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>(A) The Original Application is allowed. (B) The impugned transfer order dated 22.01.2020 is quashed and set aside. (C) No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 13.08.2020</p> <p>(skw)</p>

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

Tribunal's orders

O.A.No.1008/2019

N.V. Bhosale ... Applicant
Vs.
State of Maharashtra ... Respondents

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The matter pertained to the appointment on compassionate ground. The Applicant was appointed on the post of Clerk-cum-Typist but now he is seeking appointment on the post of Pharmacist on the ground that he possesses the required qualification for the post of Pharmacist.

3. During the course of hearing, the learned Advocate for the Applicant placed reliance on the decision of Tribunal Bench at Nagpur in O.A.No.554/2016 (Sushil Shinde Vs. State of Maharashtra & Ors.) decided on 9th July, 2019 where Division Bench of Nagpur Bench directed the Respondents to appoint the Applicant therein on the post of Junior Clerk instead on the post of Peon on the ground that there were vacancies of the post of Junior Clerks.

4. Thus, the present matter now pertained to the appointment and it is not a case of rejection of the claim for appointment on compassionate ground. The Applicant is already appointed on the post of Junior Clerk but now he is seeking appointment on the post of Pharmacist.

5. In view of above, the matter pertain to Division Bench and not of Single Bench.

6. At this juncture, the learned Advocate for the Applicant seeks adjournment to take necessary steps for transfer of the matter to Division Bench. Adjournment granted.

7. S.O. to 27/08/2020

Sd/-

(A.P. Kurhekar)

Member-J

13.08.2020

(skw)