

IN

FARAD CONTINUATION SHEET No. -

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="764 787 1039 827">Date : 20.09.2019.</p> <p data-bbox="1000 875 1295 915">O.A.No.523 of 2019</p> <p data-bbox="760 953 1451 1002">M. V. TambeApplicant</p> <p data-bbox="760 1037 862 1072">Versus</p> <p data-bbox="755 1121 1479 1170">The State of Maharashtra & Ors. ...Respondents.</p> <p data-bbox="751 1207 1547 1351">1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p data-bbox="748 1382 1544 1490">2. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record.</p> <p data-bbox="748 1508 1143 1548">3. S.O. to 04.10.2019.</p> <p data-bbox="1211 1621 1284 1654">Sd/-</p> <p data-bbox="1133 1698 1369 1780">(A.P. Kurhekar) Member(J)</p> <p data-bbox="743 1776 792 1800">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
	<p>Date : 20.09.2019.</p> <p>O.A.No.664 of 2019</p> <p>B. D. KambleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri S. B. Gaikwad, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.2. Today, learned Counsel for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record.3. The matter is adjourned for hearing at the stage of admission.4. S.O. to 04.10.2019. <p style="text-align: right;">^ Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**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><u>O.A.Nos.511/2019 & 536/2019</u></p> <p>Shri J.H. Patil & Shri A.R. Lembhe ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicants and Smt. K.S. Gaikwad with Shri S.D. Dole, learned P.Os. for Respondents.</p> <p>2. Today, the learned Advocate for the Applicants has filed Rejoinder in O.A. and the same is taken on record.</p> <p>3. Adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 23rd September, 2019.</p> <p style="text-align: right;">Sd/- (A.P. Kūrhekar) Member-J 20.09.2019</p> <p>(skw)</p>

**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 style="text-align: center;"><u>O.A.91/2019</u></p> <p>Shri R.K. Bhosale ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>1. Applicant and his Advocate both are absent. Heard Smt. A.B. Kololgi, learned P.O. for Respondents.</p> <p>2. In the present O.A, the Applicant has challenged the suspension from the post of Police Patil.</p> <p>3. The Applicant was suspended by S.D.O. on 18.01.2018 in view of registration of crime and pendency of Criminal Case against him. Today, the matter is for hearing on admission but the Applicant and his Advocate both are absent and seems not interested in the matter.</p> <p>4. In view of absence of Applicant and his Advocate, O.A. stands dismissed in default.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member-J 20.09.2019</p> <p>(skw)</p>

Office Notes, Office Memoranda of Corom, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A.254/2019</u></p> <p>Shri K.A. Bhosale ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri D.V. Sutar, learned Advocate for the Applicant and Smt. A.B. Kololgi, learned P.O. for Respondents 1 to 4. None for Respondent No.5. 2. In the present O.A, the Applicant is challenging the appointment of Respondent No.5 on the post of Police Patil on the ground that he is accused in Criminal Case No.201/2009, which is subjudice amongst other grounds. 3. Significant to note that the SDO had suspended Respondent No.5 on the same day i.e. on 18.01.2018 on which he was appointed to the post of Police Patil on the ground of pendency of Criminal Case against him. 4. The pleadings are absolutely silent as to further action initiated, if any, by SDO after suspending Respondent No.5. 5. The learned Advocate for the Applicant as well as learned P.O. are also not aware about any such action taken by SDO after suspension of Respondent No.5. 6. It is, therefore, necessary to know whether the Respondent No.3 – SDO has taken further action after suspension of the Applicant by order dated 18.01.2018. If final order is passed in the matter, it will have bearing over the present O.A. 7. The learned P.O. is, therefore, directed to take instructions from Respondent No.3 about the subsequent action taken by him, if any, after the suspension order of Respondent No.5 and appraise the Tribunal. 8. S.O. to 23rd September, 2019. <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member-J 20.09.2019</p> <p>(skw)</p>

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

Tribunal's orders

Date : 20.09.2019.

O.A.No.553 of 2019

P. D. Sutar

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. The Applicant is aggrieved for not transferring him though completed 17 years of service at one place i.e. Mulshi and raised grievance of discrimination. He, therefore, filed O.A. for direction to Respondent No.2 to consider his representation dated 22.04.2019 for posting as per his choice.
3. Today, learned P.O. on instructions submits that there is possibility of redressing grievance of the Applicant in next mid-term transfers, the process of which will be completed at the end of November, 2019.
4. In view of above, Original Application can be disposed of with suitable directions.

ORDER

- (A) Original Application is disposed of with direction to Respondent No.2 i.e. Joint Director, Vocational Education and Training, Pune to consider the request of the Applicant and to pass appropriate order ~~at the~~ latest by the end of November, 2019.
- (B) Original Application is accordingly disposed of with no order as to costs.

Sd/-

(A.P. Kurhekar)
Member(J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.934 of 2019

Dr. Amol B. Shinde

)..... Applicant

Versus

State of Maharashtra & Ors.

)...Respondents

Smt Punam Mahajan, Counsel for the Applicant

Smt. Kranti Galkwad, Presenting Officer for the Respondents

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

DATE : 20.09.2019.

ORDER

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Galkwad, learned Presenting Officer for the Respondents.
2. In the present O.A., the Applicant has challenged the impugned transfer order dated 16.09.2019 whereby he was transferred from the post of Associate Professor, B. J. Govt. Medical Collage, Pune to Associate Professor, Ramanand Tirtha, Rural Government Medical Collage, Ambejogal.
3. Learned Counsel for the applicant submits that the impugned transfer order dated 16.09.2019 is mid-term and purportedly made on the basis of complaints which are nonexistent and only to accommodate Dr. Jadhav in place of the Applicant.
4. Per contra, learned P.O. submits that transfer of the Applicant was necessitated on account of complaints as well as in view of the promotion of Dr. Jadhav as only two posts were available in the B. J. Medical Collage, Pune. She further submits that the transfer has been approved by the Civil Services Board as well as by the Hon'ble Minister and Hon'ble Chief Minister.

Handwritten signature

5. Perusal of file tendered before the Tribunal reveals that the Civil Services Board which recommended transfer of the Applicant, was consist of only two members. Whereas, as per Govt. Resolution, the CSB shall consist of three members. There is absolutely no reference of third member in the Minutes of CSB. Learned P.O. sought to submit that third member was not available. However, this fact is not recorded in the Minutes of CSB nor his name is referred anywhere in the Minutes of CSB. Indeed, Minutes of CSB reveals that CSB proceeded on the assumption that it consists of only two members. As such, constitution of CSB is not in accordance to the Govt. Resolution.

6. Secondly in Minutes of CSB, there is reference of the complaints of Shri Shaikh and Shri Gautam Sathe. In so far as complaint of Shri Shaikh is concerned, learned Counsel for the Applicant tendered the copy of enquiry report submitted by Shri Pawar on 20.08.2019 wherein he stated that on receipt of complaint of Shri Shaikh, he called upon him by issuing notices through post twice. However, postal correspondence returned back. The Enquiry Officer, therefore, held that there is no substance in the complaint it being anonymous complaint. As such, in so far as complaint of Shri Shaikh is concerned, it is already closed.

7. As regard complaint of Sri Gautam Sathe, there is nothing on record to show that the said complaint was enquired into or verified by the Competent Authority as required in term of Circular dated 11.02.2015. As per Circular dated 11.02.2019, the employee cannot be transferred mid-term on the basis of such complaint only. The Competent Authority is required to ascertain veracity of allegations made in the complaint. In case substance is found in the complaint, in that event, the Authority is required to take disciplinary action against the employee and may recommend for transfer after recording the reason in this regard. However, in the present case, prima-facie there is no such compliance of instructions contained in the Circular dated 11.02.2015. Thirdly, prima-facie the Applicant has been displaced only to accommodate Dr. Jadhav who was promoted on ad-hoc basis. If third post was not available then Dr. Jadhav could have been posted at somewhere else instead of displacing the Applicant mid-term.

8. In view of above, I am satisfied that prima-facie case is made out to stay on Implementation of transfer order dated 16.09.2019.
9. For the aforesaid reasons, interim stay is granted in terms of prayer clause 10(a) of O.A.
10. Issue notice before admission returnable on 18.10.2019.
11. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
12. 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.
13. 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.
14. 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.
15. 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.
16. S.O. to 18.10.2019.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

Date : 20.09.2019.

M.A. No.479 of 2019 in M.A.487 of 2019 in
O.A.No.45 of 2019

The State of Maharashtra & Ors.Applicants
(Dri. Respondents)

Versus

M. A. Sawant ...Respondent (Ori. Applicant).

1. Heard Ms S. P. Manchekar, learned Chief Presenting Officer for the Applicants (Ori. Respondents) and Smt. Punam Mahajan, learned Counsel for the Applicant in O.A.No.45/2019.

2. O.A.No.45/2019 is disposed of by the Tribunal on 04.04.2019 with directions to Respondent No.1 to take decision on issuance of charge sheet within one month from the date of order and if it decides to initiate the D.E. then same should be completed within three months from the date of issuance of charge sheet. The Applicant was also directed to cooperate for expeditious decision of D.E.

3. Learned C.P.O. submits that it is joint enquiry involving three delinquents wherein numbers of witnesses are required to be examined, and therefore, it was not completed within three months as directed by the Tribunal. Present M.A.s are therefore, filed for condonation of delay and for extension of time to conclude the D.E.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. D.E. was initiated by issuing charge sheet on 22.05.2019 and the Enquiry Officer has been appointed. Learned C.P.O. further pointed on instructions that evidence of eight witnesses i.e. examination chief is recorded by the Enquiry Officer and now the matter is fixed on 26.09.2019 for cross examination of the witnesses by the delinquents. She has also pointed out that once the matter was adjourned on the request of the Applicant as he was not able to attend the hearing. She, therefore, prays for extension of time to conclude the D.E.</p> <p>5. Considering the nature of enquiry and its magnitude, some more time needs to be granted for completion of D.E. hence the following order.</p> <p style="text-align: center;">ORDER</p> <p>(a) Time for completion of D.E. is extended by two months from today.</p> <p>(b) Disciplinary Authority is directed to ensure completion of D.E. including passing of final order therein within two months from today with observance of rules.</p> <p>(c) No further time will be extended. The Applicant is also directed to cooperate for expeditious D.E. and should not seek adjournment.</p> <p>(d) Accordingly, M.A. Nos.478 and 479/2019 are disposed of with no order as to costs.</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

Date : 20.09.2019.

O. A. No.902 of 2019

M. W. Bhogan

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri V. P. Potbhare holding for Shri A. D. Sugdare, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 18.10.2019.
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 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.

8. S.O. to 18.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

Vsm

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

Date : 20.09.2019 Tribunal's orders

O. A. No.901 of 2019

R. S. Palkar

....Applicant

Versus

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

1. Heard Shri V. P. Potbhare holding for Shri A. D. Sugdare, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 18.10.2019.
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 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.
8. S.O. to 18.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

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

Tribunal's orders

Date : 20.09.2019.

O. A. No.893 of 2019

B. B. Bodake

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 04.10.2019.

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 04.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

**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 : 20.09.2019.</p> <p>O.A.No.744 of 2019</p> <p>P. H. PawarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri G. A. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondent.2. Today, learned P.O. has filed reply on behalf of the Respondent. It is taken on record.3. On request of learned Counsel for the Applicant, two weeks time is granted for filing Rejoinder, if any.4. S.O. to 19.10.2019. <p>Sd/- (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
	<p>Date : 20.09.2019.</p> <p>O.A.No.794 of 2019</p> <p>R. E. SupekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Learned Counsel for the Applicant is absent. Heard Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The present O.A. is filed on 14.08.2019 challenging the transfer order dated 31.05.2019. Today, the matter is for filing reply. However, learned P.O. had tendered a letter of the department dated 18.09.2019 informing that the Applicant passed away on 26.08.2019 in Sassoon Hospital, Pune. She has also tendered the Death Certificate issued by the Sassoon Hospital. The correspondence is taken on record and marked as letter 'X' for identification.</p> <p>3. Thus, in view of unfortunate death of the Applicant, no cause of action survives, and therefore, Original Application is disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p style="text-align: left;">vsm</p>

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

Tribunal's orders

Date: 20.09.2019.

O. A. No.783 of 2019 with O.A.No.802 of 2019

C. S. Dhanawade
D. P. Jagtap

....Applicants

Versus

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

1. Heard Shri K. R. Jagdale, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 04.10.2019.

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 04.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

(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
---	-------------------

Date : 20.09.2019

C.A.No.26 of 2019 in O.A.No.606 of 2017

P.P. Ramtate & Ors. Applicants

Versus

The State of Maharashtra & Ors. Respondents

1. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. None for the Applicants.

2. Learned C.P.O. Ms. S.P. Manchekar for the Respondents submitted that the G.R. dated 16.09.2019 has been issued and she requires sometime to produce.

3. Later on the said G.R. has been produced by learned C.P.O Ms. S.P. Manchekar and Applicant's name appears at Serial No.23 in list annexed with G.R.. The G.R. dated 16.09.2019 issued by Public Health Department is taken on record and marked as 'X' for the purpose of identification. Copy of the said G.R. will be supplied to learned Counsel for the Applicant.

4. After issue of this G.R. the grievances of the Applicant is redressed and nothing survives in C.P.. Hence, C.P.No.26/2019 is disposed of accordingly.

Sd/-

(A.P. Kurhekar)
Member(J)

Sd/-

(Shree Bhagwan)
Vice-Chairman

prk

Date: 20/9/19 *Shree Bhagwan*
Coram: Hon'ble Shri P. N. ~~...~~
 Hon'ble Shri A. P. Kurhekar <MJ>
Appearance:
 Shri/Smt. *None for the Applicant*
 Advocate for the Applicant
 Shri/Smt. *S.P. Manchekar*
 C.P.O. / P.O for the Respondents.

*Heard
 order passed in
 Tribunal column.
 Hence C.P. is disposed
 of accordingly.*

R

Date : 20.09.2019.

O.A.No. 930 of 2019

Dr. S. R. GuravApplicant

Versus

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

1. Heard Shri C. T. Chandratre, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. The Applicant is challenging the transfer order dated 29.08.2019 and seeking interim stay.
3. Earlier the Applicant was posted as Medical Officer at District Hospital, Satara by order dated 18.08.2019. Accordingly, he joined there. Later, by another order dated 05.03.2019, he was transferred to Primary Health Centre, Nagthane, Dist. Satara. However, he was not relieved and continued to function at Satara.
4. On the above background, abruptly the impugned order dated 29.08.2019 is issued by the Respondents whereby the Applicant is transferred to Primary Health Centre, Umbrde, Tal.Vaibhavwadi, Dist. Sindhudurg.
5. Learned Counsel for the Applicant submits that his client is still working in District Hospital, Satara and submits that the impugned transfer order is in blatant violation of provision of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Act 2005').
6. Perusal of impugned order dated 29.08.2019 does not reveal the observance of placing the matter before Civil Services Board and compliance of provision of Section 4(5) of 'Act 2005'. Thus, prima-facie, provisions of 'Act 2005' are bypassed.

[P.T.O.]

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

Tribunal's orders

7. Learned P.O. for the Respondents sought to contend that the Applicant was posted at Umbrde for administrative convenience and opposed grant of interim stay.
8. Prima-facie, there is no observance of provision of 'Act 2005'. I am, therefore, inclined to grant interim stay.
9. In view of above, interim stay in terms of prayer clause 10(a) of the O.A. is granted.
10. Issue notice before admission returnable on 18.10.2019.
11. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
12. 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.
13. 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.
14. 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.
15. 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.
16. S.O. to 18.10.2019.

Sd/-

(A.P. Kurhekar)
Member(J)