

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.320/2018
(Dr. Yogesh Survase V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 24.05.2018

ORAL ORDER :

Heard Ku. Preeti Wankhade learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 13-06-2018.

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 the case. 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 acknowledgment be obtained and produced along with affidavit of

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

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

8. S.O.to 13-06-2018.

9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.318/2018
(Vilas Bhingde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 24.05.2018

ORAL ORDER :

Heard Shri N.B.Jadhav learned Advocate
for the applicant and Shri M.S.Mahajan learned
Chief Presenting Officer for respondents.

2. S.O. to 05-06-2018.

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MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION ST. NO.735/2018
(Yosef Garud V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 24.05.2018

ORAL ORDER :

Heard Shri J.B.Choudhary learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the applicant was initially appointed as Craft Instructor (Draftsman Civil) but thereafter some of the employees became surplus and he was appointed on the post of Craft Instructor (Plumber) in the ITI, Shrirampur. He has submitted that thereafter, there are some vacancies in the cadre of Craft Instructor (Draftsman Civil), and therefore, the applicant has been absorbed in his original cadre and accordingly has been transferred and posted in ITI, Shevgaon, Dist. Ahmednagar on the post of Craft Instructor (Draftsman Civil) by order dated 02-05-2018. He has submitted that accordingly, the applicant has been relieved by the Principal, ITI, Shrirampur with direction to join him in new

posting. Accordingly, he approached to the Principal, ITI, Shevgaon on 17-05-2018 and requested to allow him to join the new posting. He has submitted that Principal, ITI, Shevgaon informed him by communication dated 17-05-2018 that as per telephonic communication dated 17-05-2018 received to him from Joint Director, applicant cannot be allowed to join on the new posting. Therefore, he was not permitted to join new posting.

3. Applicant has submitted that respondent no.3 without cancelling absorption order dated 02-05-2018 has informed respondent no.4 on telephone not to allow the applicant to join new posting. He has submitted that there is no just reason for respondent no.3 to issue such direction, and therefore, he prayed to direct the respondent no.3 and 4 to allow him to join his new posting in the original cadre on the post of Craft Instructor (Draftsman Civil) at ITI, Shevgaon.

4. Learned CPO has submitted that earlier there were 2 vacancies in the cadre of Craft Instructor (Draftsman Civil) and at that time 3 persons were eligible for absorption. One of the persons, namely, Shri Dhande though senior-most has refused his absorption. He has submitted that accordingly, the applicant has been posted at Shevgaon after his absorption in the original cadre.

5. In the meanwhile, one of the persons who was serving on the cadre of Craft Instructor (Draftsman Civil) expired, and therefore, one more vacancy has arisen in the cadre. He has submitted that meanwhile Shri Dhande has withdrawn his earlier application and expressed his desire to be absorbed in the original cadre. Therefore, respondent no.3 called all the 3 incumbents on 31-05-2018 for counseling and thereafter he directed the respondent no.4 not to allow applicant to join the new posting at Shevgaon. He has submitted that the Joint

Director will take appropriate decision in this regard on 31-05-2018. Therefore, the learned CPO has prayed to reject interim relief to the applicant.

6. On perusal of the record, it reveals that the applicant has been absorbed in his original cadre i.e. Craft Instructor (Draftsman Civil) and has been posted at ITI Shevgaon by the order dated 02-05-2018. Accordingly, he has been relieved from the present posting on 15-05-2018. The applicant approached the Principal, ITI, Shevgaon on 17-05-2018 and requested to allow him to join new posting. Without cancelling earlier order dated 02-05-2018 or issuing any new order in writing, respondent no.3 orally directed the respondent no.4 not to allow the applicant to join new posting. Said act of the respondent no.3 and 4 is arbitrary and contrary to the impugned order dated 02-05-2018. There is no just reason for restraining the applicant to join new posting at Shevgaon. Hence, it is just and proper to direct the respondent nos.3 and 4 to allow the applicant

to join his new posting at Shevgaon subject to the decision of the O.A.

7. Accordingly, respondent nos.3 and 4 are directed to permit the applicant to join his new posting at Shevgaon subject to the outcome of the O.A.

8. Issue notice to the respondents, returnable on 15-06-2018.

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

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 the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.

12. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

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

14. S.O.to 15-06-2018.

15. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 322/2017
(Shri Anil Suresh Sonar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 24.05.2018.

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 19.06.2018.

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 the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. Reply be filed on or before 19-06-2018.
9. S.O. 19-06-2018.
10. Steno copy and hamdust is allowed to both the sides.

MEMBER (J)

FARAD CONTINUATION SHEET

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 321/2017
(Shri Babasaheb R. Gatkal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 24.05.2018.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the applicant has been transferred from Paithan, Dist. Aurangabad to District Prison, Latur. He has submitted that the applicant has completed his normal tenure of posting at the present posting and he has submitted his options before his transfer. He has further submitted that the applicant has filed application dated 23.01.2018 with the Additional Director General of Police and Inspector General (Prison), Pune-1 and requested to transfer him out of division, but his request has not been considered by the respondents. Therefore, he prayed to stay the impugned order dated 12.05.2018.

3. Learned Chief Presenting Officer has submitted that the applicant has completed his normal tenure of posting at Paithan and therefore, he has been transferred. The

respondents have considered the options given by the applicant and accordingly, he has been transferred to Latur and therefore, he prayed to reject the prayer of the applicant.

4. On perusal of the record it reveals that the applicant has completed his normal tenure of posting and therefore, he has been transferred. The applicant has given his choices for posting. Latur is one of the options given by him. The options given by the applicant has been considered by the respondents and accordingly he has been transferred and posted at Latur. No prima facie case has been made by the applicant to grant stay to the impugned order. Hence, the request of the applicant to grant stay to the impugned order is rejected.

5. Issue notices to the respondents, returnable on 19.06.2018.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

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

11. Reply be filed on or before 19-06-2018.

12. S.O. 19-06-2018.

13. Steno copy and hamdust is allowed to both the sides.

MEMBER (J)