

**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
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Date : 25.01.2016.

O.A.No.622 of 2015

1. Heard Shri B.A. Bandiwadekar, the learned Counsel for the Applicant and Shri A.J. Chougule, the Presenting Officer holding for Shri D.B. Khaire, the learned Special Counsel for the Respondents.

2. The matter is already kept on 15.02.2016 and therefore requested that it be kept on already fixed date i.e. 15.02.2016.

3. S.O. to 15.02.2016.

25/1/16

Coram- Hon. Shri J.D. Kulkarni (M/J)

Adv. B.A. Bandiwadekar for
the app.
shri A.J. Chougule P.O. holding for
shri D.B. Khaire spl. counsel
for R/s.

sba


(J.D. Kulkarni)
Member (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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Date : 25.01.2016.

O.A.No.490 of 2015

1. None for the Applicant. Heard Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
2. The matter is already adjourned on 3.02.2016.
3. The matter is preponed and kept on 30.01.2016.
4. S.O. to 30.01.2016.


(J.D. Kulkarni)
Member (J)

sba

25/1/16

Coram - Hon. Shri J.D. Kulkarni (MB)

None for the appl.
Shri A.J. Chougule P.O for
the R.A's

Adj to 30/1/16.

Handwritten initials

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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M.A./R.A./C.A. No. _____ of 20 _____

IN

Original Application No. _____ of 20 _____

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 25.01.2016.

O.A.No.635 of 2015

1. Heard Shri B.A. Bandiwadekar, the learned Counsel for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. The matter is already fixed on 3.02.2016, hence adjourned to 3.02.2016.

**(J.D. Kulkarni)
Member (J)**

sba

25/1/16
Coram - Hon. Shri J.D. Kulkarni (M/J)

Shri B. A. Bandiwadekar for
the app.
Smt. K.S. Gaikwad, P.O. for
the Resps.

Adj to 3/2/16

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**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
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Date : 25.01.2016.

O.A.No.700 of 2015

1. Heard Shri R.M. Kolge, the learned Counsel for the Applicant and Smt. K.S. Gaikad, the learned Presenting Officer for the Respondents.
2. As per the circular the Home Department matters are to be kept before Hon'ble Chairman. Hence the matter be kept before Hon'ble Chairman after four weeks.
3. S.O. to 22.02.2016.

(J.D. Kulkarni)
Member (J)

sba

25/1/16

COAM- HM. Shri, J.D. Kulkarni (M/J)

Adv. R.M. Kolge for the appl.
Smt. K.S. Gaikwad, P.O. for
the resp

Adj to 22/2/16

**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>25/1/16 Coram- Hon. Shri J.D. Kulkarni (M/J)</p> <p>None for the appl. Shri A.J. Chougule, P.O. for the Rsp.</p> <p>Adj to 5/2/16.</p> <p><i>[Signature]</i></p>	<p>Date : 25.01.2016.</p> <p>O.A.No.784 of 2015</p> <ol style="list-style-type: none"> 1. None for the Applicant. Heard Shri A.J. Chougule, the learned Presenting Officer for the Respondents. 2. The matter is already posted on 5.02.2016 and it is from Home Department. 3. S.O.to 5.02.2016. <p style="text-align: right;"><i>[Signature]</i> (J.D. Kulkarni) Member (J)</p> <p>sbm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

MA/RA/JA. 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><u>DATE: 25/1/16</u></p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u> Shri A.V. Bandiwadekar Advocate for the Applicant Shri/Smt. H.G. Gohad C.P.O. for the Respondents order passed in the Tribunal's codecum. Adj. To 1/2/16. Part heard. Hamdast. PH [Signature]</p>	<p><u>O.A. No.699 of 2014</u></p> <p>Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Arguments of Shri Bandiwadekar, Ld. Advocate for the applicant remained inconclusive as the Bench arises for recess. The Ld. PO is directed to make sure that at the next hearing the record of the Departmental Enquiry should be produced. It is made clear however that even if the record is not produced further arguments will be heard and a note will be taken that the record has not been produced or produced. S.O. to 1.2.2016. Part heard. Hamdast.</p> <p>[Signature] 25.1.16 (R.B. Malik) Member (J) 25.1.2016</p> <p>Rajiv Agarwal (Rajiv Agarwal) Vice-Chairman 25.1.2016</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 93 OF 2016**

DISTRICT : PUNE

Dr Pandurang Shankar Pawar)...**Applicant**

Versus

Government of Maharashtra & others)...**Respondents**

Shri M.D Lonkar, learned advocate for the Applicant.

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

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 25.01.2016

ORDER

1. Heard Shri M.D Lonkar, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. The Applicant had worked in Gadchiroli district from 25.8.2011 till the date of his relief on 31.12.2015. However, in between by order dated 30.5.2015, during general transfers of 2015, the Applicant was posted at Askhed, Tal-Khed, Dist-Pune. However, the Applicant was



not relieved from his earlier post in Gadchiroli district by the Chief Executive Officer, Zilla Parishad, Gadchiroli. He was actually relieved from Gadchiroli district by order dated 31.12.2015 (though the date shown in the letter at page 27 of the Paper Book, Exn-C mentions date as 3.12.2015) but the same letter states that the Applicant was actually relieved on 31.12.2015. The Applicant then resumed his duty in Pune district on 7.1.2016. A copy of the charge report is also appended. By order dated 7.1.2016 the Respondent no. 3 has been posted on his request in place of the Applicant at Askhed, Tal-Khed, Dist-Pune, treating the post as vacant. Learned Advocate Shri Lonkar stated that the Applicant has been transferred immediately after he has joined the post at Askhed, Tal-Khed, Dist-Pune before he could complete his tenure of 3 years and the order is also issued in the month of January. So it is a mid-term transfer. The fact that the post was treated as vacant is also not correct as the Applicant was posted long back in May, 2015 and he could not join because he was not relieved by the Chief Executive Officer, Zilla Parishad, over whom he has no control. Learned Advocate Shri Lonkar therefore prayed that the impugned order may be stayed as the Applicant is still not relieved from the post.

3. Learned Presenting Officer Mrs Gaikwad stated that the order of the Respondent no. 3 has been passed after following the procedure prescribed under the Maharashtra Government Servants (Regulation of Transfers and Prevention of Delays in Discharge of Official Duties), Act, 2005 (the Transfer Act), in letter and spirit as the Applicant has not joined at Askhed, Tal-Khed, Dist-Pune, though the order was

passed on 30.5.2015 the post was vacant and the Civil Service Board recommended that the Respondent no. 3 may be transferred there as per his own request on health ground. She, therefore, stated that no interim relief may be granted at this stage. She further stated that the Respondent no. 2 & 3 have not been served. Learned Advocate Shri Lonkar clarified that the transfer order of Respondent no. 3 has been issued by Respondent no. 1, who has been duly served and due to paucity of time service could not be made on other Respondents and he undertakes to serve them immediately, along with the order of interim relief, if any, passed.

4. Considering the fact that the Applicant was posted to Askhed, Tal-Khed, Dist-Pune, by order dated 30.5.2015 and he could not join at that post because he was not relieved by his superior authorities, it cannot be said that the post was vacant. The Applicant on being relieved on 31.12.2015 from Gadchiroli had actually joined at Askhed on 7.1.2016 which seems to be the date on which the impugned order was passed. The Applicant has not completed his tenure, in fact he has just joined and the order is issued in the month other than April & May. By the contention of the learned P.O it appears that the order has been issued to accommodate the request of Respondent no. 3. In the circumstances, the Applicant is entitled to interim relief. The order dated 7.1.2016 is stayed till the disposal of this Original Application.

5. Issue notice before admission made returnable on 27.1.2016.

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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 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.

3. 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. Applicant is directed to file affidavit of compliance and notice.

10. S.O to 15.2.2016. Hamdast.


(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 25.01.2016
Dictation taken by : A.K. Nair.