

(Presenting Officer.....)

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

Tribunal's orders

**O.A.1208/2016**

**Dr. P.R. Pandit**

**... Applicant**

**Vs.**

**The State of Mah. & ors.**

**... Respondents**

Perused the record. Heard Mr. Balasaheb Deshmukh, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

The learned PO is being instructed by Mr.V.P. Ghodke, Under Secretary, Public Health Department, Mantralaya, Mumbai.

The learned Advocate for the Applicant insists on emergent interim order in absence of which, the Applicant stands to retire at the age of 58 on 31<sup>st</sup> December, 2016.

As a matter of fact, there is no written order as such which is impugned herein. It so happened that on 12.12.2016 and 19.12.2016, the Applicant made written representations apparently seeking the same relief which he now seeks herein and the grievance of the Applicant is that, his representations have evoked no response at all.

There is apparent issue raised by the Respondents about the territorial jurisdiction in as much as the Applicant is based at Jalgaon and according to him, the subject matter hereof falls within the territorial jurisdiction of Aurangabad. The learned Advocate Shri Deshmukh points out that the policy decision that will have to be taken in view of his representations is by the Respondents who have got their seats in Mumbai. As of today, I leave this aspect of the matter open.

It will not be proper on my part to make any detailed comments or observations except to the extent, it is absolutely necessary to reason out the order that I am inclined to pass today. By pointing out an order of 2012 which is at Page 36 of the Paper Book, dated 20<sup>th</sup> March, 2012, Mr. Deshmukh submits that the Applicant had been transferred on what can be called as Class-I post (on deputation) for which again, I express no final opinion and this is the main reason why the claim for benefit of the G.R. of 3<sup>rd</sup> September, 2015 is claimed. In simple terms, if that benefit extends to the Applicant he retires at the age of 60 and that is the nub of the whole thing. If that be so, in my opinion, as of today, it will not be proper or even necessary to grant any order which would result in

continuation of the Applicant beyond 31<sup>st</sup> December, 2016 and it must be clearly understood that ultimately, the matter is pending before this Tribunal. The laxity or scope of the liberty as far as the Respondents are concerned, can be checked in so far as the time to file the reply is concerned and with that even if the time limit, dates are a little overshoot, the Applicant could still be in case he were to make out the case, reinstated and even the financial benefits could be made available to him. I, therefore, would not grant any interim relief today but keep the whole thing open. In the meanwhile, it will be most appropriate for the Respondents to take an appropriate decision on the pending representations above referred to of the Applicant preferably within 31<sup>st</sup> December, 2016. But in case, it is not possible even then they should not sleep over it for an unduly long period so that all concerned would know as to what is their stand vis-à-vis the case of the Applicant.

With the above observations, I direct notice returnable on 9<sup>th</sup> January, 2017.

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 9<sup>th</sup> January, 2017. Hamdast.

Sd/-

(R.B. Malik) 28.12.16  
Member (J)  
28.12.2016

DATE: 28/12/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. B. Deshmukh

Advocate for the Applicant

Shri/Smt. Ms. N.G. Gohad

C.P.O./P.O. for the Respondents

Adj. To S.O. to 9/1/17.  
Hamdast.

(skw)