

**O.A.Nos.822,823,824,825,826,827&828/2019**

**(D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 02/11/ 2020.**

Heard Shri Vishal Anand, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 26.11.2020** for reply.

**Date:-02/11/2020.**  
aps.

**Vice Chairman**



**O.A.No.16/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 02/11/2020.**

**C.A.No.275/2020 :-**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicants and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed C.A. No. 275/2020 and pointed out that applicant no. 5 is expired and to that effect death certificate is attached on P.B., Pg. No. 4. Now, the Id. counsel for the applicant requests to bring L.Rs. on record. **In view of such situation, C.A. No. 275/2020 for bringing L.Rs. on record is allowed.** The Id. counsel for the applicant is directed to do the necessary amendment and supply the copy of the same to the Id. P.O. for filing reply of amendment part, if necessary.

3. **S.O. 23.11.2020.**

**Vice Chairman**

**Date:-02/11/2020.**  
aps.

**O.A.No.706/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 02/11/ 2020.**

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. counsel for the applicant has not filed IIInd set of O.A.. The Id. counsel for the applicant is requested to file the IIInd set of O.A.

3. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

5. 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. 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.

7. 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.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. six weeks.**

**Vice Chairman**

**Date:-02/11/2020.**

aps.

**O.A.No.540/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 02/11/2020.**

None for the applicant. Shri M.I.Khan, the Id. P.O. for the Respondents.

2. As per the order dated 19.10.2020; the Respondent no. 2 i.e. Divisional Joint Agriculture Director, Nagpur is personally present and he submits that originally applicant had joined in Horticulture Department and subsequently both the department i.e. Horticulture and Agriculture were merged and as on today as submission made by Respondent no. 2; present department has no record that on what basis initial entry of D.O.B. was made in the service book and they cannot justify by any documents. The Id. P.O. desires time to file certain documents for entry of D.O.B. in service record. In this situation, the Id. P.O. is granted time till 19.11.2020 as a last chance, otherwise matter will be heard on merit.

3. **S.O. 19.11.2020.**

**Vice Chairman**

**Date:-02/11/2020.**  
aps.

**O.A.No.535/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 23.11.2020.**

**Vice Chairman**

**Date:-02/11/2020.**  
aps.

**O.A.No.279/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply of respondent no. 1. It is taken on record. Copy is served to the other side. The Id. P.O. has further submits that it is sufficient to decide the matter.

3. However, the Id. counsel for the applicant desires time to file Rejoinder.

4. The matter is **admitted** and kept for final hearing.

5. The Id. P.O. waives notices for the respondents.

6. **S.O. four weeks.**

**Vice Chairman**

**Date:-02/11/2020.**  
aps.



O.A.Nos.205&263/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

Heard Smt.Saboo, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The matter is **admitted** and kept for final hearing.

3. The Id. P.O. waives notices for the respondents.

**4. S.O. after Diwali Vacation.**

5. *Put up this matter along with the O.A. Nos. 206 & 207/2019.*

**Vice Chairman**

**Date:-02/11/2020.**  
aps.

O.A.No.406/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

**C.A.No.217/2020:-**

Heard Shri S.S.Deshpande, the Id. Counsel for the applicant and Shri , the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. **C.A. No. 217/2020 for amendment is allowed and disposed of.** The amendment be carried out within three weeks. The Id. counsel for the applicant is directed to supply the copy of the same to the Id. P.O.. The Id. P.O. is at liberty to file reply on amended part.

3. **S.O. four weeks.**

**Vice Chairman**

**Date:-02/11/2020.**  
aps.

**O.A.No.707/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. As submitted by Id. counsel for the applicant, applicant was granted assured progressive scheme as per existing rules and as per order dated 02.07.2020 without giving any show cause notice recovery order has been passed. Aggrieved with this order, applicant has approached to this tribunal, therefore, order **dated 02.07.2020 (Annexure-A-1, P.B., Pg. No. 20) and order dated 23.07.2020 (Annexure-A-2, P.B., Pg. No. 24) are stayed till filing of the reply.**

3. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

5. 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. 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.

7. 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.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. four weeks.**

**Vice Chairman**

**Date:-02/11/2020.**

aps.

**O.A.No.708/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. Issue notice to Respondents, returnable on six weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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. Respondent is 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** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. six weeks.**

**Vice Chairman**

**Date:-02/11/2020.**

aps.

**O.A.No.711/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The Id. counsel for the applicant pointed out order dated 06.05.2020 (Annexure-A-2, P.B., Pg. No. 17) by which applicant was suspended, chargesheet was served on 01.07.2020; charges are on P.B., Pg. No. 22; chargesheet has been served within 90 days of the suspension order. The Id. counsel for the applicant has pointed out letter dated 28.08.2020 (P.B., Pg. No. 27-A) in the last line of this letter i.e. on P.B. Pg. No. 27-C, it is mentioned that enquiry should be completed within 30 days. Applicant is aggrieved with the order of continuation of suspension order dated 06.05.2020. The Id. counsel for the applicant submits that without continuing the suspension; enquiry can be completed as per the Hon'ble Apex Court Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018.**

3. Issue notice to Respondents, returnable on 07.12.2020. Learned P.O. waives notice for R-1. Hamdast allowed.

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

5. 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. Respondent is put on notice that the case would be taken up for final disposal at the stage of admission hearing.

6. 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.

7. 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.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. 07.12.2020.**

**Vice Chairman**

**Date:-02/11/2020.**

aps.



**O.A.No.712/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

Heard Shri A.P.Chaware, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. The Id. counsel for the applicant has pointed out transfer order dated 28.10.2020 (Annexure-A-III, P.B., Pg. No. 23) in which applicant is at Sr. No. 16. The applicant has been transferred from Government Polytechnic, Yavatmal Old to Government Polytechnic, Washim and in remarks column it is mention "*on request transfer*". The Id. counsel for the applicant contested this point and he submits that there was no request by the applicant. He further pointed out order dated 08.07.2019 by this Tribunal on Annexure-A-IV, P.B., Pg. No. 26 in O.A. No. 523/2019 in para no. 4 status-quo has been granted to the transfer in which earlier applicant was transferred from Government Polytechnic, Yavatmal to Government Polytechnic, Mumbai and aggrieved with this order applicant approached to this Tribunal by O.A. No. 523/2019; in this O.A. status-quo has been granted to the transfer order in which earlier applicant was transferred from Government Polytechnic, Yavatmal to Government Polytechnic, Mumbai. By issuing order dated 28.10.2020, respondents have violated the order passed by this Tribunal dated 08.07.2019 and they have done the Contempt of Court by issuing this

order dated 28.10.2020; in fact it is a case of starting suo motu contempt proceedings against the respondents. Now, O.A. No. 523/2019 is yet to be decided finally but meanwhile respondents have issued this order on 28.10.2020. *Prima facie*, it appears that applicant has contempt of this Tribunal order dated 28.10.2020 (Annexure-A-III, P.B., Pg. No. 23). Hence, **order dated 28.10.2020 (Annexure-A-III, P.B., Pg. No. 23) is stayed to the extent of applicant till next date of hearing.** Meanwhile respondents are at liberty to rectify the mistake.

3. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

5. 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. 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.

7. 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.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. six weeks.**

10. **Steno copy is granted.**

**Vice Chairman**

**Date:-02/11/2020.**  
aps.

**O.A.No.642/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

Heard Shri S.S.Chavhan, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply of Deputy Director of Land Record, Amravati dated 23.10.2020 in which as per order dated 17.02.2020 of this Tribunal in para no. 3 applicant's name has been considered for D.C.P. and for A.C.P. and D.P.C. has given conclusion for applicant as non-eligible for the said A.C.P.. The Id. P.O. is directed to supply the copy of the same D.P.C. letter to the other side. The Id. counsel for the applicant desires to file reply to this letter dated 23.10.2020.

3. **S.O. 2<sup>nd</sup> week of December, 2020.**

**Date:-02/11/2020.**  
aps.

**Vice Chairman**

**O.A.No.991/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :02/11/ 2020.**

Heard Shri S.D.Borkute, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 19.11.2020.**

**Vice Chairman**

**Date:-02/11/2020.**

aps.

**O.A.No.549/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :02/11/ 2020.**

None for the applicant. Shri P.N.Warjekar,  
the Id. P.O. for the respondents.

2. **S.O. After Diwali Vacation.**

**Vice Chairman**

**Date:-02/11/2020.**  
aps.

**O.A.No.731/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. As per order dated 28.11.2019, the Id. P.O. has taken objection that there is pending amount of Rs. 20,000/- against the applicant and that was not refunded. It was observed in para no. 4 of the order dated 28.11.2019. However, today the Id. counsel for the applicant has filed pursis and letter dated 13.02.2020 which is marked Exh. X for the purpose of identification and this letter shows that no dues, no demand, certificate against the applicant and this letter has been signed by Dean, Vasantnao Naik, Government College, Yavatmal. The Id. counsel for the applicant has also filed letter dated 28.06.2017 which is marked Exh.-X-1 for the purpose of identification. This letter also shows that there is no dues against the applicant. The copies of these letters are also supplied to the Id. P.O. The Id. P.O. desires to go through the same documents.

**3. S.O. 19.11.2020.**

**Vice Chairman**

**Date:-02/11/2020.**

aps.

O.A.Nos.206&207/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. **S.O. after Diwali Vacation.**

3. *Put up this matter along with the O.A. Nos. 205&263/2019.*

**Vice Chairman**

**Date:-02/11/2020.**  
aps.



**O.A.No.71/2017 with C.A.No.41/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :02/11/ 2020.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. As submitted by the Id. counsel for the applicant, the matter pertains to the promotion and the applicant is unnecessarily suffering from not getting promotion. The matter has been heard many times and today also the Id. P.O. desires time. However, in the interest of justice, matter will be heard finally on 20.11.2020. The Id. P.O. is directed to file documents before that date and also supply the copies to the Id. counsel for the applicant.

3. **S.O. 20.11.2020.**

**Vice Chairman**

**Date:-02/11/2020.**

aps.

**\*O.A. 719/2020 (S.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 02/11/2020.**

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the State.

2. The learned counsel for the applicant pointed out transfer order dated 5/8/2020 (A-1, P-9) wherein the applicant's name appears at sr.no.4. At that time, the applicant was working as Naib Tahsildar in SDO office, Sindhkhedraja. Vide order dated 5/8/2020 the applicant was transferred to Tahsil office Sindhkhedraja as Naib Tahsildar because of incumbent Naib Tahsildar was transferred. In the same order in para-2 it has been mentioned that Officers who have completed three years as Naib Tahsildar on 31/5/2020 were considered for transfer.

3. The learned counsel for the applicant further pointed out that again vide transfer order dated 20/10/2020 (A-2.P-11) the applicant's name appears at sr.no.10 and again he has been transferred from Tahsil Office, Sindhkhedraja, Dist. Buldhana to Tahsil Office, Achalpur, Dist. Amravati as Naib Tahsildar. On perusal of the order dated 20/10/2020 (A-2. P-11) it appears that the applicant has been

transferred within less than three months' period. It is illegal and in view of this, the order dated 20/10/2020 (A-2.P-11) is stayed to the extent of applicant only till filing of the reply by the respondents.

4. In the meantime, issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Respondent is 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. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

**S.O. after four weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**\*O.A. 720/2020 (S.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 02/11/2020.**

Heard Shri A.M. Sudame, Id. counsel for the applicants and Shri S.A. Deo, Id. C.P.O. for the State.

2. As pointed out by the learned counsel, the applicant was appointed as Principal in the Government Polytechnic College, Sakoli vide order dated 18/9/2018 (A-3,P-22). Again the applicant has been transferred vide order dated 28/10/2020 (A-1,P-14) before completion of normal tenure from the previous posting. In remarks column, it is mentioned that this transfer order has been issued on administrative ground. If any employee is transferred before completion of normal tenure or for any special reasons, it must be followed the provisions of Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005"). In the impugned transfer order dated 28/10/2020 (A-1,P-14) the provisions of Section 4 (4) & (5) of the Transfers Act,2005 have not been followed.

3. The learned counsel for the applicant has also pleaded that the applicant has not been

relieved and his successor has not joined till now.

4. In view of this situation, the impugned transfer order dated 28/10/2020 (A-1,P-14) is stayed to the extent of applicant only till filing of the reply by the respondents.

5. In the meantime, issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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 O.A. Respondent is 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. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

**S.O. after four weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**\*O.A. 721/2020 (S.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 02/11/2020.**

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri S.A. Deo, Id. C.P.O. for the State.

2. The learned counsel for the applicant has pointed out that the applicant was transferred vide order dated 1/3/2019 (A-1,P-17) from Buldhana to Police Station, Deolgaon Raja. The applicant is of the rank of Police Inspector. The learned counsel for the applicant has pointed out the Section 22N (1) (c) of the Maharashtra Police Act, 1951 which is reproduced as below –

*“22N (1) (c) - For Police Officers of the rank of Police Sub Inspector, Assistant Police Inspector and Police Inspector a normal tenure shall be of two years at a Police Station or Branch, four years in a District and eight years in a Range, however, for the Local Crime Branch and Special Branch in a District and the Crime Branch and Special Branch in a Commissionerate, a normal tenure shall be of three years”.*



3. As per this Section, it appears that a normal tenure of Police Inspector is two years. Subsequently the order has been passed on 29/10/2020 it means before completion of normal tenure. However, submission made by the learned counsel for the applicant at page no.7 in para no. (v) that the applicant has not made any request for transfer. The question of request transfer does not arise. Again at page no.9 in para no. (VIII) the learned counsel for the applicant has submitted that vide impugned order nobody is posted in place of the applicant at Deolgaon Raja.

4. In view of this situation, the impugned order dated 29/10/2020 (A-2,P-19) is stayed to the extent of applicant only till filing of the reply by the respondents.

5. In the meantime, issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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 O.A. Respondent is 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. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

**S.O. after four weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**\*O.A. 722/2020 (S.B.)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 02/11/2020.**

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri S.A. Deo, Id. C.P.O. for the State.

2. The learned counsel for the applicant has pointed out the order dated 27/1/2020 (A-1, P-17) where the applicant is at Sr.No.6 and he has been transferred from Control Room to Police Station, Chandur Railway. Again vide order dated 29/10/2020 (A-2,P-18) where the applicant is at Sr.No. 53 and he has been transferred from Amravati (Rural) to Nagpur City. The applicant is of the rank of Police Inspector and as per Section 22N (1) (C) of the Maharashtra Police Act, 1951 the normal tenure of the Police Inspector is two years. However, submission made by the learned counsel for the applicant at page no.7 in para no. (v) that the applicant has not made any request for transfer. The question of request transfer does not arise. Again at page no.9 in para no. (VIII) the learned counsel for the applicant has submitted that vide impugned order nobody is posted in place of the applicant at Chandur Railway.

3. In view of this situation, the impugned order dated 29/10/2020 (A-2,P-18) is stayed to the extent of applicant only till filing of the reply by the respondents.

3. In the meantime, issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

5. 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. 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.

7. 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.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

**S.O. after four weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk. \*\*

