

**O.A. 199/2019 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 30/04/2020.**

Heard the applicant in person, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri N.R. Saboo, learned counsel for R-4.

2. The respondent nos. 1 &2 and 3 have filed their separate reply to the O.A. As the pleadings are completed, the O.A. be taken upon the Board for final hearing on the next date.

**S.O. 4/5/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

Rev.A. 11/2020 in O.A. 821/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)**

**Dated : 30/04/2020.**

Heard the applicant in person and Shri S.A. Sainis, learned P.O. for the respondents.

2. The applicant in person submitted that he is intending to file application for condonation of delay on 4/5/2020.

**S.O. 4/5/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 218/2020 (S.B.)

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

**Dated : 30/04/2020.**

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 4.

Service report of R-2 to 4 is not filed.

**S.O. three weeks.**

**Vice-Chairman**

dnk.

O.A. 219/2020 (S.B.)

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

**Dated : 30/04/2020.**

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 4.

Service report of R-2 to 4 is not filed.

**S.O. three weeks.**

**Vice-Chairman**

dnk.

**O.A. 87/2020 (S.B.)**

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

**Dated : 30/04/2020.**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 4. None for R-5.

2. The learned counsel for the applicant has placed on record affidavit of the applicant and along with the affidavit he has enclosed letter dated 21/1/2020 issued by the Joint Director, Technical Education (M.S.), Mumbai. By this letter, the Joint Director, Technical Education (M.S.), Mumbai has directed the respondent no.4 to cancel his impugned order dated 20/1/2020 (A.N.). In the said letter the Joint Director has also mentioned that the said action of respondent no.4 is out of rule.

3. The respondent no.4, the Principal, Government Polytechnic, Sakoli is directed to act as per the letter of Joint Director, Technical Education (M.S.), Mumbai dated 21/1/2020 with immediate effect and place on record his compliance on 4/5/2020.

**S.O. 4/5/2020**

Steno copy is granted.

**Vice-Chairman**

dnk.

O.A. 238/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 30.04.2020**

Heard Shri H.D. Futane, learned counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. Perused the impugned order dated 21/4/2020 by which the applicant is transferred from Shelapur, Tq. Motala to Revenue Circle, Awar, Tq. Khamgaon, Dist. Buldhana. The applicant is challenging the order on the ground that the transfer is mid-term transfer and it is before completion of two normal tenures. After reading the transfer order, it seems that as complaints were received against the working of the applicant, the matter was reported to the Divisional Commissioner, Revenue Division, Amravati and thereafter the applicant is transferred. It is undisputed that the applicant was working as Circle Officer, Shelapur, Tq. Motala for a period about 4 and ½ years. Apparently, I do not see any merit in the contention that every government servant has right to complete two normal tenures at one station. After reading Section 4 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short

“Transfers Act,2005”) it is clear that after completion of one normal tenure, the government servant is liable to be transferred. As it is mentioned in the transfer order itself that in view of the complaints received against the applicant, proposal was forwarded to the next higher authority i.e. the Divisional Commissioner and thereafter the applicant is transferred, therefore, apparently there is compliance of Section 4 (5) of the Transfers Act,2005. In this situation, it is not suitable to grant interim relief before giving opportunity to the respondents.

3. Hence, issue notice to the respondents, returnable on 4/5/2020. Learned P.O. waives notice for the 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. 4/5/2020.**

**Member (J)**

dnk.