

O.A. No.477 /2000.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated : 6th June 2017.

M.C.A.Nos. 14 & 15 of 2014.

Heard Shri S.W. Sambre, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

With the consent on merit, the MCAs will be heard on **12th June 2017.**

Vice-Chairman(J)

pdg..

O.A. No.745 /2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).

Dated : 6th June 2017.

Heard Shri M.R.Khan, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

As the pleadings are complete, matter is admitted and the fixed for final hearing with liberty to file rejoinder.

Shri M.I. Khan, the learned P.O. waives notice for the respondents.

Copy of affidavit shall be served in advance to the learned P.O.

S.O. 21st June 2017.

Interim relief to continue till then.

Vice-Chairman(J)

pdg.

O.A. No.788 /2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).

Dated : 6th June 2017.

C.A. 242/2017.

Shri S.W. Sambre, Advocate holding for Shri A.C. Dharmadhikari, the learned counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

Learned P.O. wants to file reply on behalf of the respondents.

S.O. 13th June 2017.

Vice-Chairman(J)

pdg.

O.A. No.678 /2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).

Dated : 6th June 2017.

C.A. Nos. 560/2016 & 44/2017.

Heard Shri G.G. Bade the learned counsel for the applicants and Shri H.K. Pande, the learned P.O. for the respondent Nos. 1 to 4. None for R. 5 to 10.

With the consent of parties, S.O. 13th June 2017 for final hearing.

Vice-Chairman(J)

pdg.

O.A.771/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Shri J.S. Deshmukh, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4&5.

2. The learned P.O. seeks further time to file reply. However, number of chances have already been given to file reply. Time is granted by way of last chance with the condition that if the reply is not filed on the next date, the matter will be heard on merit.

3. At the request of Id. counsel for the applicant, **S.O. 11/7/2017.**

Vice Chairman (J)

dnk.

O.A.772/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Shri J.S. Deshmukh, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 & 6. None for R-4&5.

2. The learned P.O. seeks further time to file reply. However, number of chances have already been given to file reply. Time is granted by way of last chance with the condition that if the reply is not filed on the next date, the matter will be heard on merit.

3. At the request of Id. counsel for the applicant, **S.O. 11/7/2017.**

Vice Chairman (J)

dnk.

O.A.773/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Shri J.S. Deshmukh, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 & 6. None for R-4&5.

2. The learned P.O. seeks further time to file reply. However, number of chances have already been given to file reply. Time is granted by way of last chance with the condition that if the reply is not filed on the next date, the matter will be heard on merit.

3. At the request of Id. counsel for the applicant, **S.O. 11/7/2017.**

Vice Chairman (J)

dnk.

O.A.290/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. In view of the advertisement dated 27/10/2016 the applicant has applied for the post of Assistant Professor (Community Dentistry). The list of candidates eligible and non eligible was published. From the list of candidates held non eligible for interview it seems that the applicant has been shown as overage.

3. As per the advertisement the age limit for Open candidate as on 1/2/2017 is 35 years. Whereas, the age limit for Backward class candidate is shown upto 40 years. According to the applicant she belongs to OBC category and therefore the age should have been 40 years.

4. The learned counsel for the applicant also invited my attention to G.R. dated 25/04/2016 whereby the age limit for Open category candidate has been extended by 5 years i.e. upto 38 years. Whereas the age limit for Backward category candidates has been extended for 43 years and therefore the applicant should have been considered eligible for interview.

5. The learned counsel for the applicant submits that interviews are to be held tomorrow i.e. on 7/6/2017. Keeping open the point of

eligibility of the applicant the respondents are directed to allow the applicant to appear for interview. The result of the applicant shall not be declared except with the consent of this Tribunal.

6. **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A.23/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Shri J.S. Deshmukh, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 & 6. None for R-4&5.

At the request of Id. P.O., **S.O. 11/7/2017**
for filing reply.

Vice Chairman (J)

dnk.

O.A.24/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Shri J.S. Deshmukh, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 & 6. None for R-4&5.

At the request of Id. P.O., **S.O. 11/7/2017**
for filing reply.

Vice Chairman (J)

dnk.

O.A.294/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. Vide impugned order dated 31/5/2017 the applicant has been transferred on the post of Deputy Director of Skill Development from Amravati to Nagpur and in his place the respondent no.3, Shri S.R. Kalbande has been

posted. It seems to be admitted fact that the applicant was earlier transferred to Amravati vide order dated 23/6/2015 and has not yet completed even one and half year at Amravati. The reason for transfer shows that the applicant has been transferred to accommodate respondent no.3 on request. The earlier order of transfer dated 23/6/2015 shows that the applicant was earlier transferred in place of respondent no.3 only at Amravati. Prima facie the order seems to be mid-term.

3. The learned counsel for the applicant submits that the applicant has been relieved ex-party and respondent no.3 has taken charge of post at Amravati without applicant's consent and ex-party. The applicant has yet not joined at Nagpur. In view thereof, the respondents are directed to maintain status-quo till further orders and not to insist the applicant to join at Nagpur till matter is heard on merit.

4. Issue notice to R-2 and 3, returnable in **two weeks**. Learned P.O. waives notice for R-1.

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. **S.O. two weeks.**

10. Steno copy be given to the Id. counsel for parties.

O.A.295/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

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

2. The applicant is serving as Public Health Nurse Instructor. She has been transferred from Nagpur to Pune vide impugned order dated 31/5/2017. It is stated that nobody is posted in her place and she is due for retirement in July,2018. No representation is filed after the transfer. From the record it seems that earlier the applicant was deputed at Bhandara and said deputation was cancelled on 4/12/2015. Accordingly to she is at Nagpur from 4/12/2015. However it seems that the applicant is serving at Nagpur from October,1998 as stated by the learned P.O. In view thereof, there is no question to grant any interim relief.

4. Issue notice to R-2 to 4, returnable in **three weeks**. Learned P.O. waives notice for R-1.

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. **S.O. three weeks.**

10. Steno copy be given to the Id. counsel for parties.

O.A.296/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 06.06.2017.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to R-2 and 3, returnable in **three weeks**. Learned C.P.O. waives notice for R-1.

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. **S.O. three weeks.**

Vice Chairman (J)

O.A.297/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri J.S. Kalbande, Id. counsel for
the applicant and Shri A.P. Potnis, Id. P.O. for the
State.

2. The applicant has been transferred from Nagpur to Kalmeshwar vide impugned order dated 19/5/2017 as Craft Instructor. It seems that earlier the applicant was transferred from Wardha to Gadchiroli vide order dated 31/5/2016 and from Gadchiroli to Nagpur vide order dated 21/11/2016. Both these transfers were on the request of the applicant. However before completing his tenure the impugned order has been passed. The applicant stated that he has been relieved ex-party but has not yet joined at Kalmeshwar. In view thereof, impugned order dated 19/5/2017 so far as the applicant is concerned is stayed till further orders.

3. Issue notice to R-2 to 5, returnable in **three weeks**. Learned P.O. waives notice for R-1.

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. **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A.298/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri S.A. Marathe, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. Vide impugned order dated 31/5/2017 the applicant has been transferred from Yavatmal to Mumbai as a Senior Assistant. It is stated that earlier on 12/10/2015 the applicant was transferred from Yavatmal to Nagpur and thereafter vide order dated 23/6/2016 he has been again transferred from Nagpur to Yavatmal and within 10 months he has been transferred to Mumbai.

3. The learned P.O. submits that the applicant's transfer to Yavatmal vide order dated 23/6/2016 was on request and the applicant is serving at Yavatmal only since 1999. Whatever may be the cause, the applicant has been re-accommodated at Yavatmal on his request vide order dated 23/6/2016 and has just completed 10 months after the request was accepted. In view thereof, the respondents are directed to maintain status-quo in respect of transfer of applicant and applicant shall not be forced to join at Mumbai till further orders.

4. Issue notice to R-2 and 3, returnable in **three weeks**. Learned P.O. waives notice for R-1.

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. **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A.301/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri Vikash Kulsange, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. Vide impugned order dated 3/6/2017 the applicant has been transferred from the post of Dy. Director of Co-operative department, Yavatmal to Nagpur in place of respondent no.3. Earlier the applicant was transferred to Yavatmal and has joined on 26/7/2016. He has not yet completed his tenure at Yavatmal. It seems that in the general transfers of 17th May,2017 the applicant was not considered for transfer. In any case the applicant has not completed tenure at Yavatmal nor requested for transfer at Nagpur. Hence the impugned transfer of applicant dated 3/6/2017 so far as the applicant is concerned is stayed till further orders.

3. Issue notice to R-2 to 4, returnable in **three weeks**. Learned P.O. waives notice for R-1.

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. **S.O. three weeks.**

9. Steno copy be given to the Id. counsel for parties.

Vice Chairman (J)

dnk.

O.A.304/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. Vide impugned order dated 26/5/2017 the applicant has been transferred from ACB, Bhandara to ACB, Amravati City as Dy. Superintendent of Police (one stage promotion). It is stated that he has not completed his tenure at Bhandara and still he has been transferred.

3. From the admitted fact on record it seems that the applicant was earlier transferred from Nagpur to ACB and was sent for training at Pune and thereafter on completion of his training he was transferred from Nagpur to ACB, Bhandara. He joined at Bhandara on 6/7/2015. Thereafter within five months the applicant was transferred from Bhandara to Nagpur and thereafter was given charge at Nagpur from 1/1/2016. The said orders were challenged by the applicant by filing O.A.N.817/2015 and also a Contempt Petition. In spite of stay to the transfer order the applicant was again transferred but the said order was later on cancelled.

4. With this history the O.A.817/2015 has been disposed of vide order dated 5/10/2016 when the O.A. was allowed and the impugned order of transfer dated 24/5/2016 was quashed. However the respondents were given liberty to issue fresh transfer order. The learned P.O. submits that the impugned order has been issued in view of such directions. The order in O.A.817/2015 dated 5/10/2016 shows that the liberty to issue fresh order was subject to following due procedure of law. There is nothing on record to show that the applicant was due for transfer. Admittedly, the applicant has not completed his tenure at Bhandara. In view of such circumstances, the impugned order

dated 26/5/2017 so far as the applicant is concerned is stayed till further orders.

5. Issue notice to R-2 and 3, returnable in **three weeks**. Learned P.O. waives notice for R-1.

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. **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A.303/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The applicant has been serving as a Driver since 2010 at Nagpur. Vide order dated 31/5/2017 the applicant has been transferred from office of District Tuberculosis Officer, Nagpur to General Hospital, Wardha. The learned counsel for the applicant submits that the applicant's son is mentally retarded and he has also filed representation on 10/3/2017 requesting the competent authority not to transfer him out of Nagpur on that ground. However, no decision has been taken on his representation.

3. The learned counsel for the applicant also invited my attention to the Govt. instructions dated

20/4/2017 and 18/4/2017 whereby the special instructions have been issued to consider the cases of employees whose sons / daughters are mentally retarded for retention. In view of this circumstances, the respondents authority may consider representation filed by the applicant and may take decision as per rules and circumstances prevailing. Such decision on the representation filed by the applicant may be taken within one month from the date of this order and in the meantime the applicant shall not be forced to join at his post at Wardha. It is needless to mention that the applicant will be at liberty to file fresh O.A. in case his representation is not considered.

4. With this directions, the O.A. stands disposed of.

5. Steno copy be given to the learned counsel for the applicant.

Vice Chairman (J)

dnk.

O.A.162/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri J.S. Deshmukh, Id. counsel for the applicant, Smt. S.V. Kolhe, Id. P.O. for R-1 to 3 & 6 and Shri D.M. Kale, Id. counsel for R-4&5.

Closed for orders.

Vice Chairman (J)

dnk.

O.A.163/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri J.S. Deshmukh, Id. counsel for the applicant, Smt. S.V. Kolhe, Id. P.O. for R-1 to 3 & 6 and Shri D.M. Kale, Id. counsel for R-4&5.

Closed for orders.

Vice Chairman (J)

dnk.

O.A.185/2016

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Shri S.N. Gaikward, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4.

At the request of Id. counsel for the applicant, **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A.770/2016

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 06.06.2017.

Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

S.O. 12/6/2017.

Vice Chairman (J)

dnk.

O.A.302/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant is Public Health Nurse and vide impugned order dated 31/5/2017 has been transferred from Zilla Parishad, Nagpur to Zilla Parishad, Bhandara. Admittedly, she has been at Nagpur since 2007 and is over due.

3. The learned counsel for the applicant submits that the applicant is widow and suffering from some diseases and nobody is posted in her place. She is due for retirement in July,2018. The applicant will be at liberty to file representation in this regard.

4. Issue notice to R-2 to 4, returnable in three weeks. Learned C.P.O. waives notice for R-1.

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. **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A.305/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri D.M. Upadhye, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant has been transferred from Daryapur to Anjangaon Surji vide impugned order dated 31/5/2017. It is not disputed that the applicant was due for transfer. The only question is that the applicant has not been considered on

the post for which he has given option. It is stated that his wife is serving at Amravati. The applicant has requested for transfer at Amravati, Bhatkuli and Chandur Bazar. The learned counsel for the applicant submits that number of persons have been considered for transfer on their request except the applicant. This aspect will be considered on merits.

3. Issue notice to R-2 and 3, returnable in **three weeks**. Learned C.P.O. waives notice for R-1.

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. **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A.306/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 06.06.2017.

Heard Shri D.M. Upadhye, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant has been transferred from Anjangaon Surji to Daryapur vide impugned order dated 31/5/2017. It is not disputed that the applicant was due for transfer. The only question is that the applicant has not been considered on the post for which he has given option. The applicant has requested for transfer at Achalpur and Chandur Bazar. The learned counsel for the applicant submits that number of persons have been considered for transfer on their request except the applicant. This aspect will be considered on merits.

3. Issue notice to R-2 and 3, returnable in **three weeks**. Learned C.P.O. waives notice for R-1.

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. **S.O. three weeks.**

Vice Chairman (J)

dnk.