

O.A. No. 749/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

Shri V.R. Thote, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. No. 571/2016 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

None for the applicants. Shri H.K. Pande, Id .P.O. for R-1 to 6. None for R-7 to 14. Await service of R-15&16.

The applicants to file service affidavit of R-15&16.

S.O. four weeks.

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. No. 579/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

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

The Id. P.O. files on record reply of R-2&3. It is taken on record. Copy is served to the Id. counsel for the applicant.

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

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

C.P. 02/19 in O.A. No. 326/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

Shri G.G. Bade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The Id. P.O. is directed to clarify whether the applicant's representation decided or not and also to file the documents on record in this regard before the next date.

S.O. Next week.

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. No. 58/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

C.A. 58/2019 -

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

As the applicant is intending to produce the documents on record, the C.A. is allowed.

O.A. 58/2019 -

S.O. 8/3/2019 for final hearing.

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. No. 197/17 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

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

The Id. P.O. submits that he has
already filed reply of R-2 and there is no
need to file reply of other respondents.

Heard. Admit.

The Id. P.O. waives notice for the
respondents.

S.O. four weeks for final hearing.

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. No. 166/2012 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

Shri G.K. Bhusari, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The matter was taken on board tomorrow, but at the request of the Id. counsel for the applicant it is taken today on board.

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

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. No. 63/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

Shri G.K. Bhusari, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The matter was taken on board tomorrow, but at the request of the Id. counsel for the applicant it is taken today on board.

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

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. No. 133/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

Shri M.R. Khan, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The matter was taken on board tomorrow, but at the request of the Id. counsel for the applicant it is taken today on board.

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

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. No. 265/2010 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for R-1&2. None for R-3. At his request, **S.O. two weeks.**

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. No. 139/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

None for the applicant.

Shri A.P. Potnis, Id. P.O. for the respondents.

The Id. P.O. has filed letter [no.d{\[ev\]LFk@v@fo/h jkmr@t-dz389}](mailto:jkmr@t-dz389) dated 6/1/2016 issued by the Chief Conservator of Forest (Territorial), Nagpur from which it seems that the departmental inquiry is finalized and final order has been issued.

In view thereof, as the O.A. has become infructuous, it is disposed of. No order as to costs.

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. Nos. 105,106,107 & 108 of 2019 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

1. Heard Shri P.D. Meghe, Id. Advocate for the applicants and Shri Sainis, Id. P.O. for R-1.
2. Issue notice to the respondents returnable on 21-02-2019. 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. 21/02/2019.**

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. Nos. 102,103 & 104 of 2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

1. Heard Shri P.D. Meghe, Id. Advocate for the applicants and Shri H.K. Pande, Id. P.O. for R-1.
2. The learned counsel for the applicants submits that the facts of these matters are similar with the O.A.No. 85/2019. Therefore these matters may be kept along with O.A. 85/2019.
3. Issue notice to the respondents returnable on 21-02-2019. 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. 21/02/2019.**

Put the matters along with O.A.85/2019.

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

C.P. 27/18 in O.A. No. 130/2016 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

Heard Shri Manwatkar, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

2. The Id. P.O. files copy of order passed by the Hon'ble High Court, Bench at Nagpur in Writ Petition No.5634/2018 on 12th September,2018 and letter No. duvida 1416/pra.kra.97/padum-9 d"kh lk' kq o/kZu nH/kO; ol k; o eRL; 0; ol k; fodkl foHkkx] e=ky;]epbz dated 12/02/2019. The same are taken on record and marked Exh-X and X1.

3. The Id. P.O. submitted that the Hon'ble High Court has granted stay and the matter is pending before the Hon'ble High Court and it is for final disposal. Therefore, the matter be kept after six weeks.

4. **S.O. after six weeks.**

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

C.P. 43/18 in O.A. No. 444/17 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

Shri Manoj Jaiswal, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The Id. P.O. has filed letter no.mift#v@vklFlk@319&21] dated 7/2/2019 issued by the Medical Superintendent, Sub District Hospital, Achalpur, Dist. Amravati by which it appears that applicant's all the payment has been made. The learned counsel for the applicant to clarify the same till the next date.

S.O. one week.

Put up along with CP 46/18 in O.A. 403/17.

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

C.P. 46/18 in O.A. No. 403/17 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

Shri Manoj Jaiswal, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

S.O. one week.

Put up along with CP 43/18 in O.A. 444/17.

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. No. 614/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri N.B. Rathod, Id. counsel for R-3.

2. On the previous date submission was made that the file was sent to the department by the GAD and the Id. P.O. sought two weeks time to inform the progress of the matter, but till today no intimation is given about the progress.

3. In view of this matter, two weeks' time is granted to Id. P.O. to clear situation and on failure the matter would be heard after two weeks.

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

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. St. No. 2141/2016 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 14.02.2019

C.A. No. 520 of 2016-

Heard A.D. Girdekar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. Vide Govt. G.R. dated 18/08/2008 the present applicants and other employees were granted relief and they were brought on temporary establishment and were granted the pay scales admissible to the respective posts. The some of the employees who were granted relief vide Govt. G.R. dated 18/08/2008 challenged the order of the Government by filing O.A.175/2015 alleging that the relief should have been given to them w.e.f. 29th September,2003. As the names of the applicants are also mentioned in Govt. G.R. dated 18/08/2008 the Judgment operates in vain.

3. In view of this fact, the delay is condoned and the C.A. is allowed.

C.A. 521/2016 -

Heard A.D. Girdekar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A. St. No. 2141/2016 –

Heard A.D. Girdekar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. Issue notice to R-2 &3, returnable in **four 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. **S.O. four weeks.**

Member (J)

Member (A)

dnk.

dated :- 14/02/2019.

O.A. No.495/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 14th February 2019.

C.A. No. 269/2018.

Heard Shri S.C. Deshmukh, the Ld. counsel for the applicants and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The original applicant has died on 29.8.2018 and application is moved for bring his legal heirs on record within limitation. For the reasons stated in the application, C.A. is allowed and disposed of. The applicant is allowed to bring legal heirs on record. L.Rs be brought on record today. Ld. P.O. has placed on record reply of R.2, it is taken on record and a copy of which is supplied to the other side. Ld. P.O. seeks time to file reply of R.3 Granted.

S.O. two weeks.

Vice-
Chairman(J)

Dt. 14.2.2019.

pdg.

O.A. Nos.919 and 894 of 2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 14th February 2019.

None for the applicants. Shri A.M. Ghogre, the learned P.O. for the respondents.

S.O. one week for filing reply by Ld. P.O.

Vice-Chairman(J)

Dt. 14.2.2019.

pdg.

O.A. No.99/2019.

(S.B.)

(Anant M. Rahate V/s State and five others.)

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

Dated : 14th February 2019.

Heard Shri P.K. Mishra, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents 1 to 5. None for R.6.

2. The Ld. counsel for the applicant has filed service affidavit on record and he submits that all the respondents are served.

3. On 12.2.2019, the Ld. CPO was requested to take instructions in the matter, since it was the contention of the

Ld. counsel for the applicant that two persons are posted in Regional Mental Hospital, Nagpur on one and the same post i.e. the applicant and respondent No.6. On instructions, Ld. CPO submits that respondent No.6 in this case has earlier filed O.A. No.30/2018 and in the said O.A., order was passed on 2.5.2018 whereby respondent No.2 was directed to consider the representation filed by the then applicant i.e. the present respondent No.6 and to consider his case for transfer at Nagpur on its own merits at the time of Annual General Transfers of 2018. However, the said transfer was not considered at the time of Annual General Transfers of 2018. Subsequently, the respondent No.6 has been transferred from Rural Hospital, Katol to Regional Mental Hospital, Nagpur vide order dated 7.2.2019, i.e. the impugned order. However, it seems that two persons are posted on one and the same post. The Ld. CPO submits that the respondent No.2 has moved the Govt. to issue necessary posting order in respect of the applicant, since due to inadvertence, two persons are shown posted at Nagpur and such a proposal has been moved to the

Government. He wants to file reply affidavit to that effect. The Ld. counsel for the applicant submits that the applicant is still working at Regional Mental Hospital, Nagpur and was not relieved. From record, it seems that the applicant was in fact posted on the regular post at Ramtek and was on deputation only at Nagpur. The deputation can be cancelled at any time and, therefore, as of right, the applicant cannot claim that he was regularly posted at Nagpur. In order to avoid chaos committed by the respondents, it will be in the interest of justice and equity to direct the applicant to join at Ramtek, since he was already posted at a regular post till necessary orders are issued by the Govt. In such circumstances, interim relief dated 12.2.2019 that the respondents shall not disturb the applicant from his present posting in the office of the Regional Mental Hospital, Nagpur, cannot be continued, since the respondent No.6 has already joined at Nagpur.

4. S.O. two weeks for filing reply.

Vice-Chairman(J)

Dt. 14.2.2019.

pdg.

O.A. No.69/2019.

(S.B.)

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

Dated : 14th February 2019.

Heard Shri N.B. Rathod, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

Ld. CPO submits that he will take instructions in the matter.

S.O. 15.2.2019.

Vice-Chairman(J)

Dt. 14.2.2019.

pdg.

O.A. No.16/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,

Vice-Chairman (J)
Dated : 14th February 2019.

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. Relief sought by the applicant was that the respondents be directed to pass final order in the departmental enquiry initiated against the applicant and to regularize his suspension period. As per order dated 30.1.2019, the Govt. was asked to show cause as to why the order shall not be passed to declare the enquiry and charge-sheet shall stand lapsed, if final conclusion is not reached in the departmental enquiry within 60 days. Accordingly, final order has been passed in the matter and the Govt. has deducted 6% of the amount from the pension of the applicant for a period of two years. The Ld. counsel for the applicant has placed on record a pursis whereby he is seeking permission to withdraw the O.A. with permission to challenge the final order passed in the departmental enquiry. Said pursis is marked "X" for identification. In view thereof, I pass the following order:-

ORDER

- (i) The O.A. stands disposed of as withdrawn with liberty to the applicant to file an appeal against the order of punishment in the departmental enquiry.
- (ii) No order as to costs.

Vice-

Chairman(J)

Dt. 14.2.2019.

pdg.

O.A. No.196/2018.

(S.B.)

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

Dated : 14th February 2019.

Heard Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 and 2. Shri R.S. Khobragade, Adv. for R. 3 and 4. Applicant is also present today before this Tribunal.

2. In this O.A., the applicant who is a Medical Officer, Grade-I has challenged the order dated 3.2.2018 whereby he has been transferred from P.H.C. Gondumri to Barwaha, Distt. Bhandara. The order is passed by the competent authority i.e. The Chairman, Zilla Niwad Samiti, Bhandara. In fact, this order is nothing but modification of appointment order of the applicant. It seems that the

applicant was appointed to the post of Medical Officer as per order date 24.10.2017 and was posted at P.H.C., Gondumri, but the said order is modified. Reason for modification is given by the Committee is that, there is no Class-I Medical Officer available at P.H.C., Barwha and, therefore, the Govt. is unable to produce the medical certificate to the public at large and, therefore, the order is modified. The respondents have justified the order of competent authority on the ground that, it is issued in the interest of administration. Prima facie, I do not find any reason to interfere in the said order.

3. The Ld. counsel for the applicant submits that even though the applicant has been posted at Barwha, he has been deputed to P.H.C., Sangadi and is in fact

working at Sangadi since 16.7.2018. He submits that the post at Sangadi is vacant and the applicant is ready to work at Sangadi on a regular post. The Ld. counsel for the applicant submits that the O.A. may be disposed of with liberty to the applicant to file representation to the Govt. for continuation of his regular posting at Sangadi. The Ld. counsel for the applicant submits that the applicant will file his representation within two weeks and the respondents may be directed to consider the representation of the applicant within a stipulated period. He submits that the applicant is seeking permission to withdraw the O.A., if said permission is granted to file representation. In view thereof, following order is passed:-

ORDER

- (i) The O.A. stands disposed of as withdrawn with no order as to costs.
- (ii) The applicant is at liberty to file the representation to the Govt. for his regular posting at Sangadi.
- (iii) Such a representation shall be filed within two weeks from today.

(iv) On receiving such representation, the respondent No.1 shall pass necessary order thereon as per merits within a further period of four weeks from the date of receipt of the representation and the same shall be intimated to the

applicant in
writing.

- (v) No order as
to costs.

Vice-Chairman(J)

Dt. 14.2.2019.

pdg.

O.A. No.404/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 14th February 2019.

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

Ld. P.O. has placed on record the minutes of the meeting in respect of transfer of the applicant, it is taken on record and marked "x" for identification. The Ld. counsel for the applicant submits that he will take instructions from his client in the matter and hence the matter be kept tomorrow.

S.O. 15.2.2019.

To be treated as part heard.

Vice-Chairman(J)

Dt. 14.2.2019.

pdg.

O.A. No.481/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 14th February 2019.

Shri A.A. Joshi, the applicant is present before this Tribunal in person.

His counsel is not present. Applicant submits that his counsel is on his legs before the Hon'ble High Court.

Shri P.N. Warjekar, the learned P.O. for the respondents 1 and 2. Shri S.P. Palshikar, Adv . for R.3.

At the request of the applicant, S.O.
22.2.2019.

Put up this case with O.A.
No.548/2018.

Vice-Chairman(J)

Dt. 14.2.2019.

pdg.

O.A. No.548/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 14th February 2019.

C.A. No.315/2018.

Heard Shri S.P. Palshikar, the Ld.
counsel for the applicant and Shri, the
learned P.O. for the respondents.

S.O.:

Vice-Chairman(J)

Dt. 14.2.2019.

pdg.

O.A. No.494/2018.

(S.B.)

**(Mrs. Rajashree S. Arsul V/s
State and 2 others)**

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

Dated : 14th February 2019.

Oral order

Heard Shri R.L. Khapre,
the Ld. counsel for the applicant

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

2. The applicant who is a Tutor Nurse has been transferred from Akola to Ambejogai vide order dated 31.5.2018. Admittedly, she was due for transfer. As per the Govt. policy and guidelines issued on 9.4.2018, it was obligatory on the part of the respondent authorities to prepare a seniority list of persons working at a particular station and the reason for such seniority list is to see that the employees who are senior shall be transferred first. The seniority list seems to have been prepared, a copy of which is at page Nos. 44 & 45. As per the seniority list, the applicant stands at the last but one number. It seems that the senior employees at the station even did not fill the forms for transfer, though they were due for transfer and the

applicant has been transferred, though she is very junior at the station. Thus, the respondents have not considered the fact that the applicant was juniormost at Akola.

3. As per the policy, preference was also asked for the post and the applicant has given her preference in order as Nagpur, Pune, Aurangabad, Gondia, Dhule and Kolhapur. However, none of her option post was considered and the applicant has been posted at Ambejoigai, District Beed which was never her post of choice. *Prima facie*, it seems that there is a breach of guidelines issued in the policy dated 9.4.2018 and simply stating that the transfer is on administrative ground, the applicant has been transferred at Ambejogai.

4. The Ld. counsel for the applicant submits that in order

to avoid inconvenience to the applicant as well as to the State, the applicant has joined at Ambejogai under protest. However, her husband is doing a small business at Akola and the post at Akola is still vacant till filing of reply. Her husband is suffering from hypertension and had an attack of high blood pressure for which the applicant was required to spend Rs. 1,00,000/-. It is further submitted that the applicant's son is taking education at Pune and, therefore, the applicant is ready to get transferred at Pune which is her place of choice at Sr. No.2. In the alternative, the applicant submits that since nobody is posted in her place at Akola, she may be re-transferred to Akola.

5. Considering the aforesaid aspects, the Ld. P.O. is therefore, requested to take instructions from

the respondent No.2 as to whether applicant's prayer for transfer at Pune or in the alternative at Akola can be considered and if yes, within how many days.

6. The Ld. counsel for the applicant submits that as per his instructions, nobody has joined at Akola till today till filling of the reply. The respondents shall also take instructions in this regard and shall not post anybody at Akola till further orders.

7. S.O. **22.2.2019**.

8. To be treated as part heard.

9. Steno copies be provided to both the parties.

Vice-Chairman(J)

Dt. 14.2.2019.

pdg.

O.A. No.737/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 14th February 2019.

Heard Shri M.R. Khan, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **18.2.2019.**

Interim relief to continue till then.

Vice-Chairman(J)

Dt. 14.2.2019.

pdg.