

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 946 OF 2016  
[Krushna Sanduji Edke Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 26.12.2016.**

**ORAL ORDER:**

Heard Shri S.A. Deshmukh – learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.

2. The learned Advocate for the applicant seeks permission of this Tribunal to add Shri E.C. Sonawane, Circle Inspector, Dhangar Pimpri, Tq. Ambad, Dist. Jalna, as a party respondent No. 6 in the present Original Application.

3. Permission to add Shri E.C. Sonawane as a party respondent No. 6 is granted.

4. The applicant shall carry out the necessary amendment in the Original Application forthwith.

5. The applicant has challenged the orders dated 5.12.2016 issued by the Collector, Jalna and 6.12.2016 issued by the Tahsildar, Ambad. It seems that in view of the order passed by the Collector, Jalna, dated 5.12.2016 the applicant has been transferred from the post of Circle Inspector, Gondhi, Tq. Ambad District Jalna to Dhangar Pimpri, Tq. Ambad, and in his place one Shri E.C. Sonawane has been posted. It seems that the Tahsildar has only issued

the order in view of the order passed by the Collector, Jalna. According to the learned Advocate for the applicant, the applicant was posted at Gondhi, Tq. Ambad vide order dated 31.5.2016 and within six months he has been transeferred to Dhangar Pimpri. The said order is, therefore, against the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention Of Delay In Discharge Of Official Duties, Act, 2005 (for short 'the Transfer Act, 2005').

6. From the order itself, it seems that the order has been passed as per the provisions of Section 4 (1) of the Transfer Act, 2005, as there were number of complaints received from the villagers against the applicant about his involvement in some illegal activities. From the order it is not clear as to whether the order has been passed by the Establishment Board or with the prior approval of the higher authority and the order itself shows that the order/proposal has been forwarded to the Divisional Commissioner for post-facto-sanction. Admittedly, the order is mid-term transfer and has been issued in the month of December, 2016.

7. The learned Chief Presenting Officer, on instructions from the Tahsildar, Ambad, submits that the applicant has been relieved on Friday i.e. on 23<sup>rd</sup> December, 2016.

8. However, the learned Advocate for the applicant makes a statement that the applicant is not yet relieved. There is no copy of relieving order on record.

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9. In view of the above position, the respondents are directed to maintain the status quo as on today.

10. In the meanwhile, issue notices to the respondents, returnable on 16<sup>th</sup> January, 2017.

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

12. 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.

13. 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.

14. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

15. S.O.to 16<sup>th</sup> January, 2017.

16. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**ORAL ORDERS 26.12.2016-HDD(SB)**