

O.A. No. 326/2018 (SB)

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

**Dated : 01.02.2019**

Shri P.P. Khaparde, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. one week**.

Interim relief to continue till next date.

**Member (J)**

dnk.

O.A. St.No. 3098/2017 **(SB)**

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

**Dated : 01.02.2019**

**C.A.575/2017 -**

None for the applicant. Heard Shri A.M. Khadatkar, Id. P.O. for the respondents.

The applicant and his counsel were absent on the previous date and no reasons mentioned for adjournment. Today also none present for the applicant.

Hence, the C.A. stands dismissed.

**Member (J)**

dnk.

O.A. St.No. 3018/2018 **(SB)**

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

**Dated : 01.02.2019**

**C.A.401/2018 -**

Shri Sunil Pande, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. two weeks** for filing reply to the C.A.

**Member (J)**

dnk.

O.A. No. 671/2015 (SB)

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

**Dated : 01.02.2019**

**M.C.A.03/2019 -**

Heard Shri S.U. Ambagade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The O.A. was dismissed in default on 03/01/2019 and immediately on 08/01/2019 the applicant submitted application for restoration. In the interest of justice, the MCA is allowed.

The O.A. be restored to its original file.

**O.A.671/2015 –**

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 963/2017 (SB)

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

**Dated : 01.02.2019**

**M.C.A.04/2019 -**

None for the applicant.

Shri S.A. Sainis, Id. P.O. for the  
respondents.

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 452/2018 (SB)

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

**Dated : 01.02.2019**

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

The learned P.O. submitted reply on behalf of respondent nos. 2 and 3. It is taken on record. Copy is served on the applicant.

Two weeks time is granted to the applicant to file rejoinder.

**S.O. two weeks.**

**Member (J)**

dnk.

O.A. No. 553/2018 (SB)

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

**Dated : 01.02.2019**

Shri A.P. Sadavarte, Id. counsel for the applicant Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. files reply on behalf of Respondent no.6. It is taken on record and copy is served on the applicant.

3. The learned P.O. submits that he wants to file reply on behalf of R-4&5 and for that purpose he seeks time. At his request, **S.O. three weeks.**

**Member (J)**

dnk.

O.A. No. 692/2018 **(SB)**

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

**Dated : 01.02.2019**

None for the applicant.

Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of respondent no.5. It is taken on record.

**Heard. Admit.**

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

**S.O. four weeks** for final hearing.

Put up along with O.A.693/2018.

**Member (J)**

dnk.



O.A. No. 693/2018 **(SB)**

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

**Dated : 01.02.2019**

None for the applicant.

Shri M.I. Khan, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of respondent no.5. It is taken on record.

**Heard. Admit.**

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

**S.O. four weeks** for final hearing.

Put up along with O.A.692/2018.

**Member (J)**

dnk.

O.A. No. 753/2018 (SB)

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

**Dated : 01.02.2019**

Shri G.K. Bhusari, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 5. None for R-6.

The learned P.O. submitted reply on behalf of respondent no.3 and contended that on the basis of this reply the matte may be finally heard.

**Heard. Admit.**

The Id. P.O. waives notice for R-1 to 5.

**S.O. 18/02/2018** for final hearing.

**Member (J)**

dnk.

O.A. No. 903/2018 (SB)

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

**Dated : 01.02.2019**

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

At the request of Id. P.O., **S.O.**  
**three weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 904/2018 **(SB)**

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

**Dated : 01.02.2019**

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

At the request of Id. P.O., **S.O.**  
**three weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 986/2018 (SB)

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

**Dated : 01.02.2019**

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

At the request of Id. P.O., **S.O.**  
**three weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 13/2019 **(SB)**

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

**Dated : 01.02.2019**

Heard Shri G.K. Bhusari, Id. counsel holding for Shri M.I. Dhattrak, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

In view of the pursis dated 30/01/2019, the O.A. stands disposed of as withdrawn. No order as to costs.

**Member (J)**

dnk.

O.A. No. 1019/2018 (SB)

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

**Dated : 01.02.2019**

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

Service affidavit is not filed by the applicant.

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. Nos. 633 & 634 of 2016 **(SB)**

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

**Dated : 01.02.2019**

None for the applicants. Shri A.M.  
Khadatkar, Id. P.O. for the respondents.

**S.O. four weeks.**

**Member (J)**

dnk.



O.A. No. 813/2015 (SB)

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

**Dated : 01.02.2019**

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1 to 3 and Shri K.D. Manwatkar, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for R-4.

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 814/2015 **(SB)**

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

**Dated : 01.02.2019**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

Heard submissions on behalf of the applicant and respondent nos.1&2.

The learned P.O. has submitted that he is intending to file on record the previous decision delivered by the MAT, Bench at Nagpur as it is relevant. For that purpose time is granted.

**S.O. 06/02/2019.**

**Member (J)**

dnk.

O.A. No. 826/2015 **(SB)**

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

**Dated : 01.02.2019**

None for the applicant. Shri V.A.  
Kulkarni, Id. P.O. for the respondents.

**S.O. five weeks.**

**Member (J)**

dnk.

O.A. No. 539/2016 **(SB)**

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

**Dated : 01.02.2019**

None for the applicant. Shri A.P.  
Potnis, Id. P.O. for the respondents.

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 589/2018 **(SB)**

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

**Dated : 01.02.2019**

Shri G.K. Bhusari, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1&2. None for R-3.

It is submitted that the Id. P.O. appearing in this matter is not before the Tribunal. Hence, Shri Potnis, Id. P.O. seeks further time. At his request, **S.O. one week.**

**Member (J)**

dnk.

O.A. No. 381/2018 (SB)

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

**Dated : 01.02.2019**

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4.

2. There is no dispute about the fact that the applicant was transferred before completion of the normal tenure at one station. It is contention of the respondents that he completed 14 years in the Revenue Division, but I do not see any merit in this contention. It seems that the respondent no.3 was transferred in place of the applicant and now that transfer order is cancelled. It is submitted that the applicant will be due for transfer in May,2019.

3. In view of this matter, no prejudice will cause to the respondents, if the applicant is permitted to work at the station till the general transfers of 2019. With these observations, the O.A. stands disposed of. No order as to costs.

**Member (J)**

dnk.

O.A. No. 382/2018 (SB)

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

**Dated : 01.02.2019**

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4.

2. The applicant is challenging the transfer order dated 29/05/2018 by which he was transferred from Annur Check Post Virur Range, Central Chanda Division to Gilbily-2, Bit in Chinchpalli, Chandrapur Division. The transfer order is mainly attacked on the ground that he was transferred from Temburwahi to Annur Naka by order dated 30/05/2017 and before expiry of the normal tenure the applicant was transferred. The second submission is that the respondents did not follow the Government G.R. dated 09/04/2018, so also the mandatory terms under The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act") are violated by the respondents.

3. After reading the reply submitted on behalf of respondent nos. 1 to 3 it seems that the respondents are justifying the transfer

only for the reason that the applicant had completed tenure of 10 years in the naxalite affected areas and therefore it was not suitable to retain him at that station.

4. After hearing submission and considering the facts, it is apparently clear that the applicant was not due for transfer and on perusal of the documents which is at page no.49, it appears that the tenure of the applicant at Annur Naka shown 4 years and 11 months and it was recommended that the applicant was due for transfer. The matter was sent to the Civil Services Board and the applicant was transferred. The applicant has filed affidavit which is at page no.45 and submitted that the applicant did not work at Annur Naka for a period of 4 years and 11 months. On perusal of the transfer order at Annex-A-1 it appears that vide this order dated 30/05/2017 the applicant was transferred from Tembhurwahi to Annur Naka. Thus, the contention of the applicant that he was not due for transfer is correct.

5. After reading the provisions under Section 4 of the Transfers Act, it must be said that the Transferring Authority is empowered to transfer any employee before completion of the normal tenure, but the Authority is bound to comply the mandatory requirements under Section 4 of the Transfers Act. In the present case the respondents were under



wrong impression that the applicant was due for transfer, consequently, there is no compliance of the conditions mentioned in Section 4 of the Transfers Act. Even after reading the reply submitted by the respondents, it is not possible to infer that there was any official exigency or urgency to transfer the applicant before completion of his normal tenure. As the impugned transfer order has violated the statutory provisions, therefore, it is not permissible to condone the violation of law. I, therefore, hold that the impugned transfer order is in violation of the statute and therefore it is liable to be set aside. Hence, the following order :-

**ORDER**

The O.A. is allowed. The impugned transfer order dated 29/05/2018 is hereby set aside so far as the applicant is concerned. No order as to costs.

**Member (J)**

dnk.

Dated :- 01/02/2019.



O.A.No. 724/2014. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 01<sup>st</sup> February 2019.**

**C.A.No.390/2018:-**

Shri S.D.Malke, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

**C.A.No.390/2018 is allowed.** The Id. counsel for the applicant may add more "Van Mazdoor" in O.A..

**S.O. four weeks.**

**Member(J)  
Member(A)  
Date:-01/02/2019.  
aps.**

O.A.No. 520/2016. (D.B.)

Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 01<sup>st</sup> February 2019.

C.A.No.457/2017:-

None for the applicant. Shri  
H.K.Pande, the Id. P.O. for the respondents.

**C.A. is rejected** for want of  
prosecution. **S.O. three weeks.**

Member(J)  
Member(A)  
Date:-01/02/2019.  
aps.

**O.A.No. 164/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 01<sup>st</sup> February 2019.**

None for the applicant. Shri V.A.Kulkarni, the Id. P.O. for the respondents.

The Id. P.O. filed affidavit-in-reply on behalf of the respondent nos. 1 & 2. The same is taken on record. He further submits that he will supply the copy to the other side.

**S.O. one week.**

**Member(J)  
Member(A)  
Date:-01/02/2019.  
aps.**

**O.A.No. 346/2018. (D.B.)**

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

**Dated : 01<sup>st</sup> February 2019.**

**C.A.No.208/2018:-**

None for the applicant. Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. submits that in similar case the Principle Bench, MAT, Mumbai, has given directions to declare the result and to hear the O.A. on merits. The Id. P.O. however, submits that he will file that order copy on record during the course of the day today.

3. In view of this, M.P.S.C. is directed to declare the result and O.A. will be heard on merit, if necessary.

4. **S.O. four weeks.**

**Member(J)  
Member(A)  
Date:-01/02/2019.  
aps.**



O.A.Nos. 547 & 550/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 01<sup>st</sup> February 2019.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the State. None for the respondent no. 2.

2. The Id. P.O. submits that he seeks four weeks time as a last chance, for reply.

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

**Member(J)  
Member(A)  
Date:-01/02/2019.  
aps.**



O.A.No. 186/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 01<sup>st</sup> February 2019.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the State. None for the respondent no. 2.

2. The Id. P.O. filed the affidavit-in-reply on behalf of the respondent nos. 4, 5 & 6. The same is taken on record. He further submits that he will serve the copy to the other side.

3. However, the Id. P.O. submits that applicant has remedy under Section 27 of Police Act, 1951 to go before Appellate Authority.

4. **S.O. one week for hearing on maintainability of present O.A..**

Member(J)  
Member(A)  
Date:-01/02/2019.  
aps.

O.A.No. 508/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 01<sup>st</sup> February 2019.**

Shri Ambagade holding for Shri P.N.Shende, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. two weeks to file Rejoinder.**

**Member(J)  
Member(A)  
Date:-01/02/2019.  
aps.**

O.A.No. 516/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 01<sup>st</sup> February 2019.**

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

2. The Id. P.O. submits that the reply of respondent nos. 1 & 2 has already been filed.

3. In view of this, the matter is **admitted** and kept for final hearing.

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

5. **S.O. four weeks.**

**Member(J)**  
**Member(A)**  
**Date:-01/02/2019.**  
aps.

O.A.No. 687/2014. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 01<sup>st</sup> February 2019.**

**C.P.17/2017:-**

None for the applicant. Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4, 5 & 6.

2. The Id. P.O. submits the correspondence at P.B., Pg. No. 129 from Education Officer (Primary), Z.P., Buldhana. It was taken on record on 13/02/2018, by which it appears that nothing is pending and all the dues of applicant has been cleared by the respondents. However, we will hear applicant's side too.

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

**Member(J)**  
**Member(A)**  
**Date:-01/02/2019.**  
aps.

O.A.No. 102/2013. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 01<sup>st</sup> February 2019.**

None for the applicant. Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 8.

2. The Id. P.O. placed on record letter no. d:d{&7%1%vLFM@2@i:d:149@737@13&14] fnukd 25-10-2013 by A.P.C.C.F. (Administration & SC), Nagpur along with the G.R. No. , e, Q, I &1211@614@i:d:94@Q&8] fnukd 22-10-2013-

3. The applicant has been promoted to the post of Assistant Forest Statistical and posted at C.C.F. (Territorial), Yavatmal. So, it seems that applicant's grievances have been redressed.

4. Hence, **O.A. is disposed of with no order as to costs.**

**Member(J)  
Member(A)**

**Date:-01/02/2019.**  
aps.

O.A.No. 161/2013. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 01<sup>st</sup> February 2019.**

None for the applicant. Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. Nobody appeared for the applicant on 30/01/2015, 30/01/2019 & 31/01/2019. It seems that the applicant as well as counsel for the applicant is not interested in prosecuting the O.A..

3. Hence, **the matter is dismissed in default.**

**Member(J)  
Member(A)  
Date:-01/02/2019.  
aps.**