

O.A.No.303/2018 (S.B.)

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

**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri M.R.Khan, the Id. Counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the State. None for the respondent nos. 2 & 3.

2. Matter is **admitted** and kept for final hearing.

3. The Id. P.O. waives notices for the Respondents.

4. **S.O. in due course.**

5. *In the meantime, the applicant may file Rejoinder, if any.*

**Member (J)**

**Date:-18/09/2019.**

aps.

**O.A.No.475/2018 (S.B.)**

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

**Dated :18<sup>th</sup> Sep. 2019.**

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

2. The Id. P.O. requested time to file reply of  
respondent no. 3. At his request, **S.O. two weeks.**

**Member (J)**

**Date:-18/09/2019.**

aps.

**O.A.St.No.751/2019 (S.B.)**

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

**Dated :18<sup>th</sup> Sep. 2019.**

**C.A.No.153/2019:-**

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

2. The Id. P.O. filed affidavit-in-reply on behalf of the respondent no. 2 in C.A. 153/2019, it be taken on record. Copy is served to the other side.

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

**Member (J)**

**Date:-18/09/2019.**

aps.

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

**Coram:Shri A.D.Karanjkar, Member (J)**  
**Dated :18<sup>th</sup> Sep. 2019.**

**C.A.No.208/2019 in Rev.St.1150/2019:-**

None for the applicant. Shri P.N.Warjurkar, the Id. P.O. for the Respondent nos. 1 to 3 and Ms. Sakshi Agrawal holding for Shri S.V.Bhutada, the Id. counsel for the respondent no. 4.

2. At the request of Id. P.O., **S.O. four weeks.**

**Member (J)**

**Date:-18/09/2019.**  
aps.

**O.A.No.825/2018 (S.B.)**

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

**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the Respondent nos. 1, 3 & 4. Await service of respondent no. 2.

2. Re-Issue notice to R-2, returnable on two 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.

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

**Member (J)**

**Date:-18/09/2019.**

aps.

O.A.No.901/2018 (S.B.)

**Coram:Shri A.D.Karanjkar, Member (J)**  
**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri Vishal Anand, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. three weeks as a last chance to file reply.**

**Member (J)**

**Date:-18/09/2019.**

aps.

O.A.No.131/2019 (S.B.)

**Coram:Shri A.D.Karanjkar, Member (J)**  
**Dated :18<sup>th</sup> Sep. 2019.**

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

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

**Date:-18/09/2019.**  
aps.

**Member (J)**

**O.A.No.402/2019 (S.B.)**

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

**Dated :18<sup>th</sup> Sep. 2019.**

None for the applicant. Shri A.P.Potnis, the  
Id. P.O. for the State. Await service of respondent  
nos. 2 & 3.

2. **S.O. four weeks.**

**Member (J)**

**Date:-18/09/2019.**

aps.

**O.A.No.405/2019 (S.B.)**

**Coram:Shri A.D.Karanjkar, Member (J)**  
**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri S.P.Chavhan, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. three weeks.**

**Member (J)**

**Date:-18/09/2019.**  
aps.

**O.A.No.447/2019 (S.B.)**

**Coram:Shri A.D.Karanjkar, Member (J)**  
**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. three weeks.**

**Member (J)**

**Date:-18/09/2019.**  
aps.

**O.A.No.484/2019 (S.B.)**

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

**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. The Id. P.O. files affidavit-in-reply on behalf of the respondent no. 3, it be taken on record. Copy is served to the other side.

3. The Id. P.O. further requested time to file reply of other respondents, **S.O. two weeks.**

**Member (J)**

**Date:-18/09/2019.**

aps.

**O.A.No.525/2019 (S.B.)**

**Coram:Shri A.D.Karanjkar, Member (J)**  
**Dated :18<sup>th</sup> Sep. 2019.**

None for the applicant. Shri A.P.Potnis, the  
Id. P.O. for the Respondent nos. 1 & 2. None for R-3.

2. **S.O. four weeks.**

**Member (J)**

**Date:-18/09/2019.**  
aps.

O.A.No.559/2019 (S.B.)

**Coram:Shri A.D.Karanjkar, Member (J)**  
**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. four weeks as a last chance to file reply.**

**Date:-18/09/2019.**  
aps.

**Member (J)**

O.A.No.570/2019 (S.B.)

**Coram:Shri A.D.Karanjkar, Member (J)**  
**Dated :18<sup>th</sup> Sep. 2019.**

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

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

**Member (J)**

**Date:-18/09/2019.**  
aps.

O.A.No.573/2016 (S.B.)

**Coram:Shri A.D.Karanjkar, Member (J)**  
**Dated :18<sup>th</sup> Sep. 2019.**

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

2. The applicant as well as Id. counsel for the  
applicant were remains absent on 22/04/2017,  
14/06/2017 and today too. No reasons appears for  
adjournment. Hence, **dismissed in default.**

**Member (J)**

**Date:-18/09/2019.**  
aps.

**O.A.Nos.432 & 498/2017 (S.B.)**

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

**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri A.P.Potnis, the Id. P.O. for the applicants (original respondents) and Shri S.P.Chauhan holding for Shri N.D.Thombre, the Id. P.O. for the respondent (original applicant).

2. At the request of Id. counsel for the respondent (original applicant), **S.O. 01.10.2019 along with the other connected matters.**

**Member (J)**

**Date:-18/09/2019.**

aps.

**O.A.Nos.799/2017 & 986/2018 (S.B.)**

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

**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri Shri S.P.Chauhan holding for Shri N.D.Thombre, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 01.10.2019 along with the other connected matters.**

**Member (J)**

**Date:-18/09/2019.**

aps.

O.A.No.769/2017 (S.B.)

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

**Dated :18<sup>th</sup> Sep. 2019.**

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

2. The applicant as well as Id. counsel for the applicant were remains absent on 12/07/2019, 14/08/2019 and today too. No reasons appears for adjournment. Hence, **dismissed in default.**

**Member (J)**

**Date:-18/09/2019.**

aps.

**O.A.No.259/2018 (S.B.)**

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

**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. None for the respondent nos. 2 & 3. Shri S.Sheikh holding for Shri T.M.Zaheer, the Id. counsel for the respondent no. 3.

2. The Id. counsel for the respondent no. 3 submitted that his senior is not feeling well, therefore, matter be adjourned, **S.O. 07/10/2019.**

**3. I.R. to continue.**

**Member (J)**

**Date:-18/09/2019.**

aps.

**O.A.No.374/2018 (S.B.)**

**Coram:Shri A.D.Karanjkar, Member (J)**  
**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri S.Sheikh, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. 01.10.2019.**

**Member (J)**

**Date:-18/09/2019.**  
aps.

**O.A.Nos.389 & 390/2019 (S.B.)**

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

**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri S.P.Chavhan holding for Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. 03.10.2019.**

**Member (J)**

**Date:-18/09/2019.**

aps.

**O.A.No.539/2019 (S.B.)**

**Coram:Shri A.D.Karanjkar, Member (J)**  
**Dated :18<sup>th</sup> Sep. 2019.**

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

2. **S.O. 01.10.2019.**

**Member (J)**

**Date:-18/09/2019.**  
aps.

**O.A.No.589/2018 (S.B.)**

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

**Dated :18<sup>th</sup> Sep. 2019.**

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. None for the respondent nos. 2 & 3.

2. It is brought to my notice that vide order dated 04.07.2017 (Annexure-A-2), the applicant was appointed as Assistant Block Development Officer and on completion of his training, he was posted at Panchayat Samiti, Ettapalli, District, Gadchiroli. Similarly, respondent no. 9 was appointed as Block Development Officer and he was posted after completion of his training at Panchayat Samiti, Bambragarh, District Gadchiroli.

3. On perusal of the impugned transfer order dated 17/05/2018, the applicant was transferred from Panchayat Samiti, Ettapalli to Panchayat Samiti, Bambragarh on the vacant post. It is important to note that the post at Panchayat Samiti, Bambragarh was already occupied by the respondent no. 3 as per order dated 04.07.2017 and he was working there as Assistant Block Development Officer. Thus, it seems that some wrong information was given to the respondent no. 1 that the post at Panchayat Samiti, Bambragarh was vacant.

4. This fact is also fortified by the order dated 26.07.2018 which is at Annexure-A-4, as per this order the respondent no. 3 who was Assistant Block Development Officer, Panchayat Samiti, Bambragarh

came to be transferred to Panchayat Samiti, Etapalli. The question remains when applicant was already transferred vide order dated 17.05.2018, why respondent no. 3 was posted there as Assistant Block Development Officer at Panchayat Samiti, Bambragarh.

5. It seems from the fact that the applicant and the respondent no. 3 both were newly appointed Assistant Block Development Officers and they were posted vide order dated 04.07.2017. Both the Officers were not due for transfer, under this situation; there should have been some cogent reasons for their transfers.

6. I have perused the reply filed by the respondent no. 1, in paragraph no. 3, it is mentioned that the applicant as well as respondent no. 3 were on probation, and, therefore, the competent authority transferred both of the employees on administrative ground, so that they should get the experience of serving in the different area. On perusal of the impugned transfer order dated 17/05/2018, it seems that as period of deputation was completed, therefore, order dated 17/05/2018 was issued. Whereas it is nowhere shown that the applicant and the respondent no. 3 were working on deputation.

7. So far as, Section 4 (5) of the Transfer Act, 2005 is specific, the competent authority is bound to record cogent reasons for the transfer in the mid-term and the administrative exigency. In present matter when post at Panchayat Samiti, Bambragarh was not vacant, the applicant was transferred, under

this situation, it is not possible to accept that there was administrative exigency for transfer.

8. Hence, the impugned transfer orders so far as relates to applicant and the respondent no. 3 are hereby cancelled. **No order as to costs.**

**Member (J)**

**Date:-18/09/2019.**  
aps.

**O.A.No. 300 of 2019 -**

**(Damodhar Hari Kumbhare Vs.  
State of Maharashtra & Ors.)**

**Coram :- Hon'ble Shri Anand  
Karanjkar,  
Member (J).**

**Dated :- 18<sup>th</sup> September, 2019.**

**ORDER**

Heard Shri P.S. Wathore,  
learned counsel for the applicant and  
Shri H.K. Pande, learned P.O. for the  
respondents.

2. It is necessary for the  
applicant to show that the transfer  
order at Annex-A-1 is in violation of  
the Section 4(5) of the Maharashtra  
Government Servants Regulation of  
Transfers and Prevention of Delay in  
Discharge of Official Duties Act, 2005  
(in short "Transfers Act,2005") or this  
order is actuated by malice. There is

no dispute about the fact that as a result of the direction issued by the Hon'ble Bombay High Court, Division Bench at Nagpur, in PIL No.28/2014 the respondents were bound to fill vacant posts of the Superintendents within a period of four weeks as directed. It is submission of the learned P.O. that four weeks period was not sufficient to fill the posts through intervention of the MPSC within four weeks, therefore, in order to comply the order in Writ Petition No.28/2014 decided on 6/3/2019 the applicant was transferred along with the 18 other Officers. It is submitted that as there was a direction issued by the Hon'ble High Court, therefore, there was extreme administrative exigency for transferring the applicant

and consequently the applicant is transferred to Jawaharlal Nehru Industries Center, Child Observation Home, Yerwada, Pune.

3. It appears from the facts mentioned in the original application that the applicant came to be appointed on 4/3/2014 on the post of the Superintendent. His first posting was at Government Girls Junior/Senior Children Home, Nagpur. Thereafter the applicant was transferred as a Child Development and Project Officer, Rural, Saoner, District Nagpur. The applicant resumed duty at Saoner on 02/11/2015. It seems that the applicant was due for transfer and he had completed tenure of four years on the post at Saoner.

4. Once it is accepted that it was necessary for the respondents to comply the order issued by the Hon'ble High Court, it is not possible to accept the contention that there was no administrative exigency for the transfer. In view of this, I do not see any merit in the contention of the applicant that the order is in violation of law.

5. It is contention of the applicant that he is transferred to remote place at Pune which is 750 Kms. away from Nagpur and this will cause grave prejudice to the applicant. It is submitted that the litigation is going on between the applicant and his wife and the applicant is bound to look after other members in his family and the

applicant would not be in a position to discharge his family obligations, therefore, the impugned order be set aside.

6. It is submission of the applicant that the options submitted by him on page no.55 of the P.B. were not considered by the respondents. It is pertinent to note that the applicant gave 10 options, out of 10, 7 options were in the Nagpur District, 2 options in Wardha District and 1 option in Chandrapur District. Here I would like to point out that it was necessary for the respondents to comply the direction and to fill the vacant post of the Superintendents through out the Maharashtra and in order to comply that order, the applicant was transferred. In this

situation, it will be suitable if liberty is given to the applicant to make fresh representation to the respondents for giving him convenient posting. I, therefore, direct that the applicant is at liberty to make fresh representation for convenient posting and the respondents are directed to decide the representation within a period of three months from the date of receipt of the representation.

7. In view of above, the O.A. stands disposed of. No order as to costs.

**Dated** :- 18/09/2019.  
**(A.D. Karanjkar)**

**Member (J).**  
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