

O.A. No.1163/2021 (S.B.)

(Mr. Uttam C. Poman Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/12/2021.

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

2. As per submission of learned counsel for the applicant, the applicant is promoted and posted at Central Prison, Nagpur on the post of Jailor (Group-I) . He has pointed out the Rule 6 (b) of the Notification dated 15/6/2017 and submitted that the choice given by the applicant is not considered by the respondents. One post at Kokan-2 division and one post at Pune are still vacant. The applicant is entitled for the posting as per his choices.

3. Heard Id. P.O. He has submitted that the applicant accepted the transfer order and joined at Nagpur Central Prison. There is no dispute about it.

4. As per submission of learned counsel for the applicant, the respondents may fill the vacant post and the O.A. will become infructuous, therefore, prayed to direct the respondents to keep one post vacant at Kokan-2 division and at Pune.

5. The learned P.O. is directed to get instructions as to whether the applicant can be posted at Kokan-2 division or at Pune Central Prison. **The respondents are directed to maintain status-quo in respect of vacant post at Kokan-2 division and Pune Central Prison till next date.**

6. Issue notice to the respondents returnable **after three weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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. after three weeks.

Steno copy is granted.

Member (J).

dnk.

O.A. No.1164/2021 (S.B.)

(Shri D.G. Sawant Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 29/12/2021.

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

2. The learned counsel for the applicant has pointed out the order passed by this Tribunal dated 26/11/2021 in O.As. 1043,1044 & 1058 of 2021. This Tribunal has directed the respondents to relieve all the transferred officers within a period of one month. As per the direction of this Tribunal, those applicants / Police Officers are relieved from 31/12/2021. The copy of order is placed on record.

3. The applicant is transferred from Nagpur Police Region to Amravati Police Region, but he is not yet relieved.

4. Heard Id. P.O. He has submitted that he will be relieved on 28/2/2022. As per the Govt. G.R., the same situated employees are entitled for the same relief. The Transferring Authority once transferred the employees, then it shall be the duty to relieve them forthwith. Hence, in view of the order passed by this Tribunal dated 26/11/2021 in O.As. 1043,1044 & 1058 of 2021, the following order -

ORDER

(i) The O.A. is disposed of with direction to the respondents to relieve the applicant within a period of one month from the date of receipt of this order.

(ii) No order as to costs.

Steno copy is granted.

Member (J).

dnk*.