

**O.A. No. 317/2018 (S.B.)**

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

**Dated : 25<sup>th</sup> May 2018.**

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent/State.

2. Vide impugned order dated 23<sup>rd</sup> May 2018, the applicant has been transferred from the post of R.F.O., Maregaon, Distt. Yavatmal to the post of R.F.O., Manora, Distt. Akola. The same order has been challenged on the ground that it is a mid-term transfer. It seems that the applicant was posted at Maregaon on promotional post vide order dated 29.10.2016. Admittedly, he has not completed his tenure and had been transferred. Though it is mentioned that the transfer is as per the provisions of Section 4 (4) and 4 (5) of the Maharashtra Government

Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the "Transfer Act of 2005"), the applicant has not yet been relieved. In view thereof, respondents are directed not to relieve the applicant till affidavit in reply is filed in the matter.

3. In the meantime, issue notice to the respondent Nos. 2 to 6 returnable on **15.6.2018.**

4. Shri S.A. Sainis, the learned P.O. waives notice for the respondent/State.

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

6. 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.

7. 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.

8. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

9. S.O. **15.6.2018.**

10. Steno copy be supplied to the Ld. P.O.

Vice-Chairman(J)

aps.

**O.A. No. 318/2018 (S.B.)**

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

**Dated : 25<sup>th</sup> May 2018.**

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent/State.

2. Vide impugned order dated 23<sup>rd</sup> May 2018, the applicant has been transferred from the post of R.F.O., Ghatanji, (Pandharkawada), Distt. Yavatmal to the post of R.F.O., Yavatmal (EGS). The same order has been challenged on the ground that it is a mid-term transfer. It seems that the applicant was posted at Ghatanji, Distt. Yavatmal on promotional post vide order dated 1.6.2017. Admittedly, he has not completed his tenure and had been transferred. Though it is mentioned that the transfer is as per the provisions of Section 4 (4) and 4 (5)

of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the "Transfer Act of 2005"), the applicant has not yet been relieved. In view thereof, respondents are directed not to relieve the applicant till affidavit in reply is filed in the matter.

3. In the meantime, issue notice to the respondent Nos. 2 to 5 returnable on **15.6.2018.**

4. Shri S.A. Sainis, the learned P.O. waives notice for the respondent/State.

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

6. 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.

7. 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.

8. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

9. S.O. **15.6.2018.**

10. Steno copy be supplied to the Ld. P.O.

Vice-Chairman(J)

aps.

**O.A. No. 316/2018 (S.B.)**

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

**Dated : 25<sup>th</sup> May 2018.**

Heard Shri A.D. Patil, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent/State.

2. The applicant is a Staff Nurse. Admittedly, she is working at Nagpur from 2008. Vide impugned order dated 18.5.2018, she has been transferred to Nanded. It is admitted that the applicant is having a child just of 18 months and a daughter of 7 years old. Her husband is practising at Nagpur. It is stated that her claim has not been considered. However, she falls at Sr. No.6 as per the G.R. dated 9.4.2018. The applicant has already been relieved. However, considering the fact that her claim has not been considered. As per the

G.R., the respondents are directed not to insist her to join at Nanded, till reply affidavit is filed.

3. In the meantime, issue notice to the respondent Nos. 2 and 3 returnable on **8.6.2018.**

4. Shri S.A. Sainis, the learned P.O. waives notice for the respondent/State.

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

6. 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.

7. 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.

8. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

9. S.O. **8.6.2018**.

10. Steno copy be supplied to the Ld. P.O.

Vice-Chairman(J)

aps.