

O.A.276/2017

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

**Dated : 11.05.2017.**

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

2. The applicant is Agriculture Assistant and was working at Sawna, Tq. Chikhli, Dist. Buldana from August,2014. He has not completed his normal tenure. Vide impugned order dated 10/3/2017 the applicant has been kept under suspension on the ground that the Sarpanch of the village Sonewadi has filed complaint against the applicant. However, it reveals that the Sarpanch did not file any complaint and even the Gram Panchayat has passed the Resolution to the effect that no complaint was filed by the Sarpanch. On the representation filed by the applicant, the applicant has been reinstated and the suspension has been revoked. However, instead of placing the applicant at Sawna, he has been transferred to Andura, Dist. Akola. The

applicant was not due for transfer. The applicant states that the said order be quashed and set aside.

3. The learned counsel for the applicant submits that the suspension order itself is illegal and therefore he has challenged the said order. However since the suspension has been revoked by the competent authority, the prayer for quashing and setting aside the order of suspension becomes redundant as the applicant has already been reinstated.

4. So far as the applicant's transfer to Audura is concerned, it will be cleared that the applicant has not completed his tenure at Sawna and secondly whatever allegations are made against the applicant as regards his work at Sonewadi, the applicant was holding additional charge of Sonewadi for three months only and he was deputed there and additional charge was given to him from 30/7/2016. Whereas the alleged misconduct pertains to the year 2015-16 the applicant may not have any concern with the same.

5. The applicant has filed representation on 5/5/2017 (A-14,P-37) making grievance about the transfer. The respondent no.2 is therefore directed to

take decision on the representation filed by the applicant without being prejudice by any observations made in the order. The decision shall be taken within one month from the date of this order. The respondent / authority is directed not to force the applicant to join at Andura during this one month as well as further one week thereafter from the date of communication of the order to the applicant about his representation. It is needless to mention that the applicant will be at liberty to approach this Tribunal in case his representation for cancellation of transfer is not considered favorably.

6. Accordingly, the application stands disposed of. No order as to costs.

**Vice Chairman (J)**

dnk.

O.A.280/2017

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

**Dated : 11.05.2017.**

Heard Shri A.B. Bhide, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. The applicant is serving as Senior Technical Assistant (Group-C) post. He is posted at the office of Director of Sericulture, Nagpur from 11/8/2011. According to the applicant, he has not completed two tenures of three years each and as such not due for transfer. The said contention however cannot be accepted as he will be almost completing six years in August,2017.

3. The applicant has been transferred from Nagpur to Beed on administrative ground. It seems to be solitary transfer order in respect of applicant. It is dated 29/4/2017.

4. The learned counsel for the applicant submits that the applicant is ready to go any where in Vidarbha Region but he has been transferred at

Beed which comes under Marathwada Region and about 600 Kms. from Nagpur. His wife is serving in the Government department and his son is in the 9<sup>th</sup> Standard and is taking education at Kamptee and therefore on all these grounds he could have been transferred to any place in Vidarbha Region. His representation however has not been considered and therefore he has approached this Tribunal.

5. The learned counsel for the applicant submits that the application can be disposed of with a direction to the respondent / authority to consider his representation. He further submits that there are at least four posts available in Nagpur Division and number of persons have opted for Beed who have completed their respective tenures in Nagpur Division, but they have not been considered.

6. In view of the situation as referred above, the respondents are directed to take decision on the representation dated 29/4/2017 filed by the applicant without being influenced by any of the observations made in this order. The decision on the representation be taken within one month from the date of this

order. It is stated that the applicant has been relieved on the very day on which date the order of transfer was passed, but he has not joined at Beed. The decision on the representation be communicated to the applicant in writing. The application accordingly disposed of. No costs.

7. Steno copy be supplied to the ld. counsel for both the parties.

**Vice Chairman (J)**

dnk.

O.A.08/2017 (D.B.)

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

**Dated : 11.05.2017.**

**C.A.241/2017 -**

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

The applicant has moved this application directions to the respondents. However, the applicant is absent. It seems that the applicant is not in hurry. Hence, the matter be kept **After Summer Vacation.**

**Vice Chairman (J)**

dnk.

O.A.281/2017 (D.B.)

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

**Dated : 11.05.2017.**

Heard Shri D.M. Surjuse, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. The applicant has applied for the post of Police Constable from the Open Police Child Category. It is stated that he got 129 marks which is more than obtained by the persons who have been shown in provisional select list. The learned P.O. submits that the applicant has applied from SC category and not from Open category. Whether the applicant is entitled to be appointed on merit or from the category of Police Child will have to be considered on merits and for that purpose the reply of the respondents is necessary.

3. Hence, Issue notice to R-2 returnable in **After Summer Vacation**. Learned P.O. waives notice for R-1.

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

5. 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.

6. 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.

7. 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.

8. It is hereby made clear that if the appointment in response to the advertisement dated 23/2/2017 is made, it shall be subjected to the outcome of this O.A.

9. **S.O. After Summer Vacation.**

**Vice Chairman (J)**

dnk.