

O.A.286/2017

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

Dated : 15.05.2017.

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

2. The applicant is Agriculture Supervisor and was working at Chikhli-2, Tq. Chikhli, Dist. Buldana from 30/10/2015. 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 On the representation filed by the applicant, the applicant has been reinstated and the suspension has been revoked.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 Chikhli-2, he has been transferred to Wadali Satwai, 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 However since the suspension has been revoked by the competent authority, the prayer for quashing and setting aside the order of suspension becomes redundant as the applicant has already been reinstated.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 Wadali Satwai is concerned, it will be cleared that the applicant has not completed his tenure at Chikhili-2 and secondly whatever allegations are made against the applicant as regards his work at Sonewadi, the applicant was working at Chikhili-1 and he was posted at Chikhili-2 from 30/10/2015. Whereas the alleged misconduct pertains for the period till 9/6/2015 the applicant may not have any concern with the same.

5. The applicant has filed representation on 6/5/2017 (A-12,P-34) 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 Wadali Satwai 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.267/2017

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

Dated : 15.05.2017.

Heard Shri N.B. Bargat, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The applicant has filed Pursis dated 15/5/2017 "Exhibit-X" mentioning that he does not want to prosecute the matter and want to withdraw the O.A. and hence he seeks permission to withdraw the O.A. In view thereof, the application stands disposed of as withdrawn with no order as to costs. The interim relief granted will automatically come to an end.

Steno copy be supplied to the Id. counsel for the parties.

Vice Chairman (J)

dnk.

O.A.287/2017

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

Dated : 15.05.2017.

Heard Shri N.B. Bargat, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The applicant has challenged the impugned order of his transfer as Naib Tahsildar, Tumsar, Dist. Bhandara to Naib Tahsildar, Arjuni Morgaon, Dist. Gondia. It is stated that the applicant is serving at Tumsar from 2015 and has not completed his normal tenure. The order however shows that the same has been passed as per the provisions of Sections 4 (4) & 4 (5) r/w section 6 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act,2005. Under what circumstances the applicant has been transferred will have to be seen and the same can be seen only after reply is filed by the respondents.

3. Hence, issue notice to R-2 to 4, returnable on 07-06-2017. Learned C.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. **S.O. 07-06-2017** for return of notice / filing reply.

Vice Chairman (J)

dnk.

O.A.278/2017

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

Dated : 15.05.2017.

Shri A.P. Chorghade, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 4.

Heard both sides.

The learned CPO files reply on behalf of R-2. It is taken on record. Copy is given to the Id. counsel for the applicant.

The learned CPO also files the communication dated 9/7/2017 (P-53). The same is taken on record.

It is made clear that the matter will be decided at the stage of admission.

As the matter is partly heard by the consent, **S.O.17/5/2017** for further adjudication.

Vice Chairman (J)

dnk.