

**O.A. 87/2020 (S.B.)**

**(A.A. Jagdale Vs. State of Maharashtra)**

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 09/04/2020.**

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 4. None for R-5.

2. In the impugned order dated 20/01/2020 (A-30,P-103) the following points are not mentioned :-

(i) The Head Quarter of the employee during suspension period.

(ii) The Certificate by the employee that he has not obtained any alternative employment.

3. These two conditions are mandatory to be mentioned in any suspension order. The respondent no.4 has failed to mention these conditions in this order. However, today the applicant is also present and he is asked by this Bench why he is not attending to the office and signing his presence in the muster roll and submitting Certificate. In view of the submission made by the learned P.O. and the orders passed by this Tribunal dated 4/3/2020 and 26/3/2020, it appears that the respondent no.4 is avoiding to comply the order of this Tribunal. At the same time, the approval of the Competent Authority has not yet been obtained. The

learned P.O. submits that the proposal of approval is pending with the Government of Maharashtra. In view of all these facts, the following order is passed –

**ORDER**

(i) The applicant is directed to attend the office to mark his attendance at least once and then he may follow the directions of the Department to work from home during the lockdown period only.

(ii) The applicant is also directed to submit Certificate to the office that he is not availing any alternative mode of employment during the suspension period. As admitted by the applicant himself, he will comply this order within four days and after compliance necessary requirements, the respondent no.4 is directed to pay subsistence allowance from the date of suspension till now before 30/04/2020.

(iii) On failure to produce sanction of Competent Authority or payment of subsistence allowance, the respondent no.4 is directed to be present personally before this Tribunal on 30/04/2020 and explain the reasons for non-compliance of order of this Tribunal and why it should not be treated as Contempt of order passed by this Tribunal.

**S.O. 30/04/2020.**

Steno copy be supplied.

**Vice-Chairman**

O.A. 217/2020 (S.B.)

(Dr. P.L. Bhisekar Vs. State of Mah. )

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

**Dated : 09/04/2020**

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the State.

2. It is grievance of the applicant that he was transferred from Hamdapur, Tq. Seloo, District Wardha to Wardha, but this order was stayed by the Government. Later on the Government issued impugned order dated 4/7/2019 and transferred the applicant to Pardi, Tq. Karanja, District Wardha. It is submitted that the applicant is yet not relieved and legality of the impugned transfer order dated 4/7/2019 was examined by the M.A.T., Bench at Mumbai in O.A.633/2019 and in that matter the following observations are made in para-12 :-

*“12.As stated above, admittedly the impugned transfer order is not approved by the Hon’ble Chief Minister and it has been approved at the level of Hon’ble Minister only as if it is general transfer. Whereas in law, it amounts to mid-tenure transfer which requires recording of special reasons and prior approval of the Hon’ble Chief Minister being next higher authority of Minister as contemplated under Section 6 of ‘Act 2005’which is completely missing”.*

3. It is submission of the applicant that he may be considered for the transfer while issuing general transfers of the year 2020, but till then he be retained at Hamdapur, Tq. Seloo, District Wardha. After hearing the submission of the learned P.O. and considering the observations made in O.A. 633/2019, it is suitable to direct the respondents not to relieve the applicant as per the order dated 4/7/2019. The respondents are at liberty to transfer the applicant while issuing general transfers of the year 2020. The respondents shall consider the representation made by the applicant on 3/4/2020 and representation made in the month of July,2019.

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

Steno copy be supplied.

**Member (J)**

dnk.