

O.A. 445/2017 (SB)

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

**Dated : 11.1.2018**

**M.C.A.76/2017**

Heard Shri D.M. Kakani, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and Shri S.N. Gaikwad, Id. counsel for R-2. None for R-3.

2. The learned counsel for the applicant has filed this application for speaking to minutes as regards modification of one statement made in the order. In the Judgment dated 07/12/2017 in O.A.No. 445/2017 the said statement is "It is an admitted fact that the applicant has already joined at Bhamragarh". The statement is made in para-10 of the Judgment. The learned counsel for the applicant submits that the applicant did not join at Bhamragarh and therefore this statement is not correct and requires to be corrected since the respondent authority is not accepting the representation filed by the applicant on the ground that the applicant has already joined at Bhamragarh. The learned P.O.

on the last date submitted that he will take instructions as to whether the applicant had joined at Bhamragarh and if not, whether the respondent authorities are ready to allow the applicant to join. The Chief Executive Officer (CEO), Zilla Parishad, Gadchiroli has filed communication dated 21/12/2017 from which it seems that the applicant did not join at Bhamragarh and even show cause notices were issued to the applicant for joining at Bharmragarh. The said correspondence is marked Exh-X for the purposes of identification. From the said correspondence, it is clear that the applicant did not join at Bharmragarh and therefore the statement that "it is an admitted fact that the applicant has already joined at Bharmragarh" needs to be deleted from the order. Accordingly, the said statement be treated as deleted. Necessary amendment be made in the Judgment. Registrar to do the needful.

3. The MCA therefore stands disposed of accordingly.

**Vice Chairman (J)**

dnk.

O.A. 677/2017 (SB)

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

**Dated : 11.1.2018**

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1 and Shri B.N. Jaipurkar, Id. counsel for R-3&4. Await service of R-2.

At the request of Id. P.O., **S.O.**  
**three weeks** for filing reply.

**Vice Chairman (J)**

dnk.

O.A. 796/2017 (SB)

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

**Dated : 11.1.2018**

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 4.

**S.O. three weeks.**

**Vice Chairman (J)**

dnk.

O.A. 839/2017 (SB)

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

**Dated : 11.1.2018**

Heard Ms. A.R. Manhare, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. None for R-3. Await service of R-2.

2. At the request of Id. counsel for the applicant, issue fresh notice to R-2 returnable in **four weeks**. Hamdast allowed.

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

4. 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.

5. 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.

6. 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.

7. **S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 884/2017 (SB)

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

**Dated : 11.1.2018**

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1&3. Await service of R-2&4.

The learned P.O. seeks time to file reply on behalf of R-1.

The applicant to file service affidavit of R-2&4.

**S.O. three weeks.**

**Vice Chairman (J)**

dnk.

O.A. 382/2017 (SB)

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

**Dated : 11.1.2018**

Shri I.G. Meshram, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant. He submits that the reply of other respondents is not necessary.

**S.O. two weeks** for filing rejoinder, if any.

**Vice Chairman (J)**

dnk.



O.A. 392/2017 (SB)

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

**Dated : 11.1.2018**

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

2. The learned P.O. submits that the reply of R-4 has already been filed and there is no need to file reply of other respondents.

3. Since the pleadings are complete, the matter is admitted and kept for final hearing.

4. The learned P.O. waives notice for the respondents.

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 506/2017 (SB)

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

**Dated : 11.1.2018**

Shri Sagar Katkar, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

The learned CPO files reply-affidavit on behalf of R-2. It is taken on record. Copy is served on the applicant.

The Id. CPO seeks time to file reply of other respondents. At his request, **S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 510/2017 (SB)

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

**Dated : 11.1.2018**

Shri Pratik Mehta, Id. counsel holding for Shri G.N. Khanzode, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. Since the pleadings are complete, the matter is admitted and kept for final hearing.

3. The learned P.O. waives notice for the respondents.

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 775/2017 (SB)

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

**Dated : 11.1.2018**

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

2. The learned P.O. submits that reply of R-3 has already been filed and reply of other respondents is not necessary.

3. Since the pleadings are complete, the matter is admitted and kept for final hearing.

4. The learned P.O. waives notice for the respondents.

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 894/2017 (SB)

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

**Dated : 11.1.2018**

Shri Bharat Kulkarni, Id. counsel  
for the applicant and Shri S.A. Sainis, Id.  
P.O. for the respondents.

At the request of Id. P.O., **S.O. two  
weeks** for filing reply.

**Vice Chairman (J)**

dnk.

O.A. Nos.907, 908,909,910,911,912,913  
& 914 of 2017 **(SB)**

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

**Dated : 11.1.2018**

Shri Sagar Katkar, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. and other Id. P.Os. for the respondents in other matters.

At the request of Id. P.Os. **S.O.**  
**three weeks** for filing reply.

**Vice Chairman (J)**

dnk.

O.A. 694/2015 (SB)

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

**Dated : 11.1.2018**

Shri A.R. Kaplay, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri H.D. Futane, Id. counsel for R-3. None for R-4.

At the request of Id. counsel for the applicant, **S.O. 15/1/2018**.

**Vice Chairman (J)**

dnk.

**O.A. 839/2012 (SB)**

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

**Dated : 11.1.2018**

Heard Shri N.R. Saboo, Id. counsel  
for the applicant and Shri V.A. Kulkarni,  
Id. P.O. for the respondent nos. 1 to 3  
and none for R-4.

**S.O. 12/1/2018.**

**Vice Chairman (J)**

dnk.



O.A. 500/2014 (SB)

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

**Dated : 11.1.2018**

Heard Shri V.A. Kothale, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The applicant in this case has challenged the orders dated 24/01/2011 (A-1,P-12) and 22/05/2012 (A-2,P-13) passed by respondent no.3, the Special Inspector General of Police, Amravati Region, Amravati whereby the applicant's claim for deemed date of promotion to the post of Police Hawaldar w.e.f. 18/04/1989 and Assistant Sub Inspector (ASI) w.e.f. 20/04/1998 has been rejected.

3. The learned P.O. invited my attention to the fact that against the order passed by the respondent no.3, the applicant has filed appeal. It seems that the appeal was filed on 20/03/2014, but since no decision has been taken on the appeal, the O.A. was filed.

4. The learned P.O. submits that since the appeal is already pending against the impugned orders challenged in this O.A., the O.A. may be disposed of as premature.

5. The learned counsel for the applicant submits that the O.A. can be disposed of, if

the directions are issued to the respondent no.2 to take decision on the appeal filed by the applicant within a stipulated period. He submits that the applicant's case for deemed date of promotion has already been recommended as per communication dated 08/11/2010 (A-5) by the Commissioner of Police, Amravati City, Amravati (R-4). The communication in this regard is placed on record at P.B. page nos. 20 to 22 (both inclusive). In view thereof, the following order:-

**ORDER**

The O.A. stands disposed of with direction to respondent no.2. to take appropriate decision on the appeal filed by the applicant against the impugned orders passed by respondent no.3. Since the appeal has been filed in the year 2014, the respondent no.2 is directed to take appropriate decision on its own merits within a period of three months from the date of this order. The decision shall be communicated to the applicant in writing. No order as to costs.

**Vice Chairman (J)**

dnk.

O.A. 676/2014 (SB)

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

**Dated : 11.1.2018**

Heard Shri S. Majid, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned counsel for the applicant has placed on record the copy of the punishment imposed on Dr. K.S. Sharma under whose authority the applicant has issued the Cheques. It is stated that the applicant has been made scapegoat and he has simply issued the Cheques under the instructions of his Superior Officer Dr. K.S. Sharma who has purchased the goods. The Copy of the order in respect Dr. K.S. Sharma is kept on record and marked Exh-X for the purposes of identification.

3. The matter is heard on merits and closed for orders.

**Vice Chairman (J)**

dnk.

O.A. 684/2014 (SB)

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

**Dated : 11.1.2018**

Heard Shri Bharat Kulkarni, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for the respondent no. 1 and Shri M. Sheikh, Id. counsel for R-2.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A. 722/2014 (SB)

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

**Dated : 11.1.2018**

Shri S.M. Khan, Id. counsel holding for Shri P. C. Marpakwar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The learned counsel for the applicant submits that he has obtained some information under RTI Act and he wants to file affidavit along with the documents. At his request, **S.O. one week.**

**Vice Chairman (J)**

dnk.

O.A. 755/2014 (SB)

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

**Dated : 11.1.2018**

None for the applicant. Shri S.A.  
Sainis, Id. P.O. for the respondents.

**S.O. 12.1.2018.**

**Vice Chairman (J)**

dnk.

O.A. 647/2015 (SB)

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

**Dated : 11.1.2018**

Heard Shri G.K. Bhusari, Id.  
counsel for the applicant and Shri A.M.  
Khadatkar, Id. P.O. for the respondents.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A. 713/2015 (SB)

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

**Dated : 11.1.2018**

Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for the respondent nos. 1&2, Shri N.R. Saboo, Id. counsel for R-4 and none for R-4.

**S.O. 15/1/2017.**

**Vice Chairman (J)**

dnk.



**O.A. No.379 /2014. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.P. No.35/2017.**

Shri Saket Narsapurkar, Adv. holding for Shri N.S. Khandnewale, the learned counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondents 1 and 3. None for R.2.

At the request of the learned counsel for the applicant, S.O. **two weeks.**

Vice-Chairman(J)

**O.A. No.379 /2014. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.P. No.35/2017.**

Shri Saket Narsapurkar, Adv. holding for Shri N.S. Khandewale, the learned counsel for the applicant and Shri S.A. Deo, the

Ld. C.P.O. for the respondents 1 and 3. None for R.2.

At the request of the learned counsel for the applicant, S.O. **two weeks.**

Vice-  
Chairman(J)

pdg

O.A. No. 673/2013. (D.B.)

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

**Dated : 11<sup>th</sup> January 2018.**

**C.A. No.159/2016 in C.P.(St.) 634/2016..**

None for the applicant. Shri S.A. Sainis, the Ld. P.O. for the respondents.

On 6.10.2017, the learned P.O. submitted that except interest and gratuity, the entire amount has been paid to the applicant and a proposal for granting interest has been submitted to the Accountant General, Nagpur. Communication to that effect was placed on record which was marked "X" for identification. The Ld. P.O. sought two weeks' time for compliance. In spite of such order, no compliance has been made and on 7.12.2017 again, four weeks time was granted for compliance. Till today, compliance has not been done. Nobody appeared for respondent Nos. 2 and 3. Respondent Nos. 2 and 3 shall appear before this Tribunal on the next date and to state as to why the order has not been complied with.

S.O. **29.1.2018.**

Vice-  
Chairman(J)

pdg

**O.A. No.61 /2010. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.A. No.270/2016 in C.P.(St.) 1057/2016.**

Shri Bharat Kulkarni, the learned counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondents 1 and 2. None for R.3.

The learned counsel for the applicant submitted that the office has calculated interest as per the Chart alongwith Exh.X and the amount of Rs. 86,295/- is to be paid towards interest. However, the learned P.O. submits that the interest calculated by th applicant is not correct and the applicant is entitled to claim interest at the rate of 8% p.a. Accordingly the amount of Rs. 59,000/- is to be paid to the applicant for which the proposal has been sent to the Commissioner, Pune and it will be sanctioned possibly within one month. P.O. is directed to submit a copy of the said chart to the applicant. Matter be kept after **four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No.197/2016. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.A. No.406/2017 in C.P.(St.) 2311/2017.**

None for the applicants. Shri A.M. Khadatkar, the Ld. P.O. for the respondents 1 to 4. None for R.5 & 6.

The Ld. P.O. submits that the Govt. has filed writ petition against the order passed by this Tribunal and seeks four weeks time.

**S.O. four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No.197/2016. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.A. No.407/2017 in C.P.(St.) 2313/2017.**

None for the applicants. Shri A.M. Khadatkar, the Ld. P.O. for the respondents 1 to 4. . None for R.5 and 6.

The Ld. P.O. submits that the Govt. has filed writ petition against the order passed by this Tribunal and seeks four weeks time.

S.O. four weeks.

Vice-  
Chairman(J)

pdg

O.A. No.270/2017. (D.B.)



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

**Dated : 11<sup>th</sup> January 2018.**

**C.P. 07/2017.**

Shri P.N. Mehta, Adv. holding for Shri G.N. Khanzode, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant submits that the order of this Tribunal has been complied with and the grievance of the applicant has been redressed and, therefore, matter be disposed of . In view thereof, C.P. No. 07/2017 stands disposed of with no order as to costs.

Vice-  
Chairman(J)

pdg

**O.A. No.833/2011. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.P. 12/2017.**

Shri A.V. Kale, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant has filed rejoinder to the affidavit filed by the respondents. The same is taken on record and a copy of which is supplied to the Ld. P.O.

**S.O. 29.1.2018.**

Vice-  
Chairman(J)

pdg

**O.A. No.804/2011. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.P. 13/2017.**

There is a leave note from the Ld. counsel for the applicant. Shri A.M. Ghogre, the Ld. P.O. for the respondents.

S.O. **29.1.2018.**

Vice-  
Chairman(J)

**O.A. No.707 /2009. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.P. No.15/2017.**

Shri R.V. Shiralkar, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

The learned counsel for the applicant submits that the

respondent authorities have complied with the order passed by this Tribunal and have modified the order of punishment. The grievance of the applicant, therefore, has been redressed. In view thereof, C.P. No. 15/2017 stands disposed of accordingly with no order as to costs.

Vice-  
Chairman(J)

pdg

**O.A. No.530 /2014. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.P. No.24/2017.**

Shri P.V.Rajurkar, Adv. holding for Shri P. Jibhkate, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondent Nos. 2 to 4. Shri S.S. Pandit, Ld. special counsel for respondent No.1.

At the request of the learned counsel for the applicant, S.O.  
**29.1.2018.**

Vice-  
Chairman(J)

**O.A. No.639 /2009. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.P. No.25/2017 in C.A.362/2017.**

Shri R.V. Shiralkar, the learned counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

The Ld. P.O. submits that the order has already been complied with and therefore, the C.P. 25/2017 may be disposed of. The impugned order passed in O.A. No. 639/2009 with C.A. Nos. 283/2009, 123/2015, 208/2015 and 232/2015 dated 28.4.2016 shows that the

respondents were directed to reinstate the applicant in service from the date of his termination. It was specifically stated that the applicant may not be entitled to pay and allowances for the period he was out of service and the said period will be counted with continuity in service only for the purpose of pensionary benefits. The applicant has been reinstated accordingly.

Thus, nothing remains to be redressed, as the order has been complied with. In view thereof, C.P. 25/2017 stands disposed of accordingly with no order as to costs. In view of this, C.A. 362/2017 also stands disposed of.

Vice-  
Chairman(J)



pdg

**O.A. No.259 /2003. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.P.30/2017.**

None for the applicant. Shri A.M. Ghogre, the Ld. P.O. for the respondents.

Ld. P.O. seeks four weeks' time to file reply to the counter affidavit.

**S.O four weeks.**

Vice-  
Chairman(J)

**O.A. No. 742/2013. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.P.01/2018.**

Shri P.V. Thakre, Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant submits that he wants to take instructions from the applicant whether to file representation or separate O.A. as regards alleged non-compliance of the order of this Tribunal and seeks three weeks' time.

**S.O three weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 741/2013. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.P.02/2018.**

Shri P.V. Thakre, Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant submits that he wants to take instructions from the applicant

whether to file representation or separate O.A. as regards alleged non-compliance of the order of this Tribunal and seks three weeks' time.

**S.O three weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 233/2011. (D.B.)**

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

**Dated : 11<sup>th</sup> January 2018.**

**C.P.37/2017.**

None for the applicant. Heard ShriA.P. Potnis, the Ld. P.O. for the respondents.

It seems that in the order dated 10.11.2017, the Ld. P.O. made a statement that the amount has been paid and the calculations were furnished to the counsel for the applicant. On 4.1.2018, none appeared for the applicant and the respondent No.2 i.e. Dy. Director of Health Services, Nagpur tendered his apology for filing an affidavit. In the said affidavit, it has been stated that the monetary benefits including implementation of 6<sup>th</sup> Pay Commission scale has been granted to the applicant. None appeared for the applicant on that date and, therefore, the matter was kept today for passing necessary orders.

Today also, none appeared for the applicant.

As per order passed in O.A. No.233/2011, it was stated that the monetary benefits including the implementation of 6<sup>th</sup> Pay Commission scale shall be paid to the applicant and the respondents were directed to finalize the process of paying arrears, if admissible as per rules. In view of the affidavit filed by respondent No.2, the order seems to have been complied with. If the applicant is not satisfied with any calculation, he can make representation to that effect and there is no need to continue the C.P. 37/2017. C.P. 37/2017 stands disposed of accordingly with no order as to costs.

Vice-  
Chairman(J)

pdg

**O.A. No. 557/2017. (S.B.)**

**Sarabjeet Kaur Harbansh Singh Sandhu  
V/s State and 3 others.**

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

**Dated : 11<sup>th</sup> January 2018.**

Heard Shri D.M. Kakani, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondent Nos. 1 to 3. None for R.4.

2. After hearing the matter on merits on 8.1.2018, this matter was closed for orders. On perusal of the record, it seems that the applicant has claimed directions to respondent No.2 i.e. the Director of Textiles, (M.S.), Nagpur to implement the order issued by respondent No.3 dated 30.5.2017 (Annexure-A) whereby the applicant has been transferred from the post of Co-operative Officer, Grade-I, Sakoli to the office of respondent No.2 in place of respondent No.4 on the post of Office Superintendent. The respondent No.2 is, however, not complying the said order. The applicant was



not allowed to join as per order dated 8.6.2017 issued by respondent No.2. As a result of this action on the part of respondent No.2, the applicant is nowhere and his salary is not relieved from 1.1.2017.

3. Vide order dated 12.9.2017, the respondent No.2 was directed to appear personally before this Tribunal and accordingly Shri Sanjay Meena, Director of Textiles, Nagpur (R.2) appeared personally and stated that he was not bound by the order of transfer passed by respondent No.3. He filed an affidavit to that effect. In the said affidavit, the respondent No.2 has stated that he is an IAS officer and superior in grade than respondent No.3 i.e. Divisional Joint Registrar, Co-operative Societies, Nagpur. Alongwith his affidavit, respondent No.3 has also filed some documents whereby it seems that prior to the impugned order of transfer of the applicant, respondent No.2 has written one letter dated 2.5.2017 whereby he has requested that one Shri Dalal, Office Superintendent and Shri M.C. Gaikwad, Head Clerk in the office be retained and one Shri S.P. Jasudkar be transferred in his palce as Assistant Superintendent, Grade-I. Not only that vide letter dated 18.8.2017, respondent No.2 has written a letter to respondent No.1 as per Annexure R-2-E and requested the respondent No.1 to take disciplinary action against respondent No.3 and thereafter vide letter dated 1.6.2017, respondent No.2

stayed the order of transfer issued by respondent No.3. It is not known as to under what capacity the respondent No.2 can stay the order of transfer issued by respondent No.3. Prima facie, there seems to be ego problem between respondent No.2 and respondent No.3 for non implementation of the order of transfer of the applicant. There seems to be no dispute that respondent No.3 is the competent authority to issue transfer orders in respect of employees of respondent No.2 and there seems to be absolutely no reason for respondent No.2 to stay the order passed by the respondent No.3. In the ego battle between respondent No.2 and respondent No.3, the applicant seems to be the victim.

4. Respondent No.2 is taking benefit of certain letters in the form of guidelines issued by the Govt., wherefrom it seems that it has been directed that the respondent No.3 shall transfer the officers in consultation with respondent No.2, if the transfers are to be made in the office of respondent No.2. However, there is no doubt that the competent authority to transfer the employees, is respondent No.3. In view of this, it is necessary to get some facts clarified from respondent No.1 as well as respondent No.2. Hence, the following order:-

**ORDER**

- (i) Respondent No.2 i.e. Director of Textiles, Nagpur is directed to file an affidavit stating as to under what capacity and what authority he has issued the order, staying the transfer as per letter dated 1.6.2017 (Annexure R-2-F).
- (ii) The respondent No.1 i.e. Secretary, Co-operation Department, Govt. of Maharashtra, Mantralaya, Mumbai shall file an affidavit making it clear as to whether respondent No.2 has

authority to stay  
the transfer  
order issued by  
respondent

No.3. If not,  
what action  
respondent

No.1 desires to  
take against  
respondent

No.2.

(iii) Respondent

No.1 shall also  
state in the  
affidavit as to  
what direction it  
desires to issue  
to respondent

No.2 and  
respondent

No.3 as regards  
release of  
salary of the  
applicant and  
also regarding  
the posting of  
the applicant.

(iv) Respondent

No.1 shall also  
make it clear as  
to from whom  
the salary of the  
applicant shall

be recovered on account of non-compliance of the transfer order.

(v) Requisite affidavit in this regard shall be filed within **three weeks** from today.

(vi) S.O. **four weeks.**

Vice-  
Chairman(J)

