

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 13.11.2018

Heard Shri P.V. Thakre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. The learned counsel for the applicant invited my attention of this Tribunal's order dated 11/10/2018.

3. The applicant has submitted the representation on 05/11/2018 which is yet to be decided as pleaded by the learned counsel for the applicant and charge sheet is also not filed till now and subsistence allowance is also not paid.

4. The date of suspension period was 2/8/2018 and the period of 90 days elapsed on 1/11/2018 and as per the various Judgments covered by the Hon'ble Supreme Court and also the Judgment of Principal Bench of MAT Mumbai in O.A. 35/2018. It seems that the respondents are not following the required procedure. However as pleaded by the learned P.O., the learned PO is

requested to take necessary instructions
all these points and the matter will be
heard on 16/11/2018.

S.O. 16/11/2018.

Member (A).

dnk.

O.A. 887/2018 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 13.11.2018

Heard Shri P.R. Agrawal, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

As per the record the applicant was suspended vide order no. psapra/2018/prakra 273/padum 1 dated 30/10/2018 (Annex-A-10,P-48).

The learned counsel for the applicant has pointed out that the applicant has submitted representation to the Principal Secretary of Animal Husbandary Department, Mumbai on 12/11/2018 which is yet to be decided.

Therefore, the Principal Secretary of Animal Husbandary Department, Mumbai is directed to decide the representation of the applicant dated 12/11/2018 within three weeks from the date of this order.

With this direction, the O.A. stands disposed of with no order as to costs.

Member (A).

dnk.

O.A.No.885/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Member(A)**

Dated : 13th November 2018.

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

2. As per the record on P.B., Pg. No. 10 of the Government of Maharashtra order No. vki uk&0218@i z d z 163@i ki & 15, dated 31/05/2018. The applicant is at Sr. No. 1 and transferred from Chandrapur to Jalna in Senior Geologist Office. The Id. counsel for the applicant submits that he has already worked in Tribal and Naxal affected area for 14 years as per his submission. The Id. counsel for the applicant submits that applicant has worked in Nadurbar District and after Nandurbar he has been working in Chandrapur District and he has worked since last four years in Chandrapur District. The Id. counsel for the applicant is directed to mention duration of both these postings i.e. tenure of the Nandurbar District and tenure at Chandrapur District.

3. After the transfer order dated 31/05/2018, relieving order is issued on P.B., Pg. No. 9 order No. HJ fo; #ml ul@vklFN&1@dk; bDr@2747@2018] dated 03/11/2018 i.e. after the gap of almost 6 months. The Id. counsel for the applicant also puts reliance on the Judgment in O.A. No.81/2017 delivered on 31/10/2017 and in O.A. No.36/2016 delivered on 04/05/2018 by this Tribunal. In both the Judgments, the Id. counsel for the applicant relied on the G.R. No. dM/vkj, Q&2000@i:zdB@12] dated 06/08/2002. The Id. counsel for the applicant invited my attention to the G.R. No. dM/vkj, Q&2005@i:zdB@63@05@12] dated 07/01/2006 which has again confirmed Government policy as mentioned in earlier G.R.. In view of the earlier G.R. and also despite very clear directions by the Government vide the G.R. dated 07/01/2006, prima facie it appears that while transferring the applicant, Government policy enunciated in all the related G.Rs. for such transfers, it has not been followed. Issue notices to the respondents. As per the information by Id. P.O. applicant is not yet relieved. The respondents are directed not to relieve the applicant until further orders.

4. Issue notice to R-2 & 3, returnable after three weeks. Learned P.O. waives notice for R-1. Hamdast allowed.
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. 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.
9. In case notice is not collected within three days and if service report on

affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. **S.O. after three weeks.**

Member(A)

Date:-13/11/2018.

aps.