

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

COMMON ORAL ORDER IN O.A. NOS. 466, 467 AND 468 ALL
OF 2019

01. ORIGINAL APPLICATION NO. 466 OF 2019

DISTRICT: - OSMANABAD.

Shri Ajiot Ashok Mali,

Age : 35 years, Occu: Service,
R/o. At Post Hipparga (Rava)
Tq. Lohara, Dist. Osmanabad.

.. APPLICANT.

V E R S U S

1. The State of Maharashtra,

Through : Secretary,
Revenue Department
Mantralaya, Mumbai 32.

**2. The Settlement Commissioner-
Director of Land Records,**

Central Building, Pune.

3. The Dy. Director of Land Records,

Aurangabad Region, Aurangabad.

4. The Superintendent of Land Records,

Osmanabad.

.. RESPONDENTS.

W I T H

02. ORIGINAL APPLICATION NO. 467 OF 2019

DISTRICT: - OSMANABAD.

Shri Suhas S/o Navnath Suryawanshi,

Age : 55 years, Occu: Service,
R/o. Siddharth Nagar, Sanja Road,
City Point, Osmanabad.

.. APPLICANT.

V E R S U S

1. **The State of Maharashtra,**
Through : Secretary,
Revenue Department
Mantralaya, Mumbai 32.
2. **The Settlement Commissioner-
Director of Land Records,**
Central Building, Pune.
3. **The Dy. Director of Land Records,**
Aurangabad Region, Aurangabad.
4. **The Superintendent of Land Records,**
Osmanabad. .. RESPONDENTS.

W I T H

03. ORIGINAL APPLICATION NO. 468 OF 2019

DISTRICT: - OSMANABAD.

Smt. Vandana Shrirang Mali,
Age : 43 years, Occu: Service,
R/o. C/o. Pradeep Hangregekar,
Naldurg Road, Opp. S.B.I. Tuljapur,
Dist. Osmanabad. .. APPLICANT.

V E R S U S

1. **The State of Maharashtra,**
Through : Secretary,
Revenue Department
Mantralaya, Mumbai 32.
2. **The Settlement Commissioner-
Director of Land Records,**
Central Building, Pune.
3. **The Dy. Director of Land Records,**
Aurangabad Region, Aurangabad.

4. The Superintendent of Land Records,
Osmanabad. .. RESPONDENTS.

APPEARANCE : Shri Suresh D. Dhongde, learned Advocate
for the applicants in all these cases.
: Mrs. Priya R. Bharaswadkar, learned
Presenting Officer for the respondents in all
these cases.

CORAM : **JUSTICE A.H. JOSHI, CHAIRMAN.**

DATE : **27.6.2019.**

ORAL COMMON ORDER

1. Heard both sides.
2. In the present cases challenge to transfers is on the ground that it is mid-tenure. This aspect is admitted.
3. In the circumstances, as are obtaining, and in view of challenge, limited question which arises for consideration is :-

Whether mandatory requirements as laid down in Sec. 4(4) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short R.O.T. Act, 2005) is complied with by the respondents?

4. The aspect regarding compliance of sec. 4(4) and 4(5) of the R.O.T. Act is to be decided on the basis of record. Therefore, respondents were called upon to produce the concerned record.

5. The concerned record has been produced before the Tribunal. On perusal of record it reveals that : -

Only reason recorded as ground for transfer of the present applicants is “administrative reason”.

6. On facts it has transpired that the applicant in O.A. No. 466/2019 namely Shri Ajit Ashok Mali has been charge sheeted while other applicants are suffering similar blame.

7. Thus, all the applicants are similarly situated and are seeking similar reliefs.

8. Admittedly, mentioning “administrative ground” or “administrative reasons” does not concur to or stand par with “special reasons and exceptional circumstances”.

9. The fact that applicants are facing some claim for dereliction does not *ipso facto* constitute “special reasons” or “exceptional circumstances”.

10. The term administrative reasons would turn out to be adjective in absence facts confirming “special reasons” and “exceptional circumstances” are borne on record.

11. In the result, it is proved that “special reasons” and “exceptional circumstances” are not recorded before proposing impugned transfers.

12. Approving authority too has not recorded satisfaction which is mandatory under Section 4 (5) of ROT Act.

13. In the circumstances, the impugned transfer orders which are mid tenure are vitiated and are illegal.

14. Hence, the impugned transfer orders dated 31.5.2019 to the extent of these three applicants are quashed and set aside.

15. Parties are directed to bear their own costs.

(A.H. JOSHI)
CHAIRMAN

Place : Aurangabad

Date : 27.6.2019.