

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 271 OF 2015

DISTRICT: LATUR

Shri Navnath S/o Kakasaheb Kendre,
Age: 49 years, Occu. : Service,
R/o Flat No. 1, Abhinandan Terrace,
Sut-Mill Road, Latur,
Tq. & Dist. Latur.

.. **APPLICANT**

V E R S U S

- 1) The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai -32.

(Copy to be served on Chief Presenting
Officer, M.A.T., Aurangabad)

- 2) The Director,
Director of Municipal Council,
Administration, Mumbai.
- 3) The Deputy Director,
Director of Municipal Council,
Administration, Mumbai.
- 4) The Commissioner,
Municipal Corporation, Latur,
Tq. and Dist. Latur.
- 5) The Chief Officer,
Municipal Council, Beed,
Tq. And Dist. Beed.

.. **RESPONDENTS**

APPEARANCE : Shri- S.P. Urgunde, learned Advocate for the
Applicant.

: Shri- V.R. Bhumkar, learned Presenting Officer
for the Respondents.

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

J U D G M E N T

(Delivered on this 23rd day of January, 2017.)

The applicant Shri Navnath Kakasaheb Kendre, is working as a City Engineer in Municipal Corporation, Latur. He was initially appointed on 1.5.1990 as a Junior Engineer and thereafter, was promoted as Sectional Engineer on 1.5.1995. He was declared as Gazetted Officer on 14.06.2000 and was absorbed in State Cadre Class-I post on 02.02.2008 with pay scale of Rs. 8000-13500 of Grade-I Scale.

2. In the month of June 2013, the applicant was transferred to Municipal Council as a Municipal Engineer and after completion of one year, he was transferred on deputation to the Latur Municipal Corporation on 22.06.2014 and was doing his work sincerely.

3. The respondent no. 3, however, on 30.05.2015 issued impugned order, whereby the applicant's deputation has been cancelled and this impugned order has been challenged in this O.A. on the ground that the applicant has not completed his

tenure of three years and the personal difficulties of the applicant have not been considered.

4. The learned Advocate for the applicant submits that the Latur Municipal Council is newly constituted Corporation and there is scarcity of employees and therefore, the deputation of the applicant ought not to have been cancelled. It is further stated that as per the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short the Transfer Act 2005) the employee shall not be transferred before three years of his service and the fact that the applicant's son Pranav Kendre is taking education in Shahu College at Latur for final year B.Sc. (Bio-Tech) should have been considered.

5. The respondent Nos. 2 & 3 have filed affidavit in reply and submitted that the applicant was absorbed and posted on deputation at Latur Municipal Corporation. He was transferred in the Month of June 2013 to Municipal Council, Beed as Municipal Engineer, where he worked for one year and then he was deputed at Latur Municipal Corporation as City Engineer on 22.07.2014. In the said order of deputation there is condition No. 02(A), which clearly mentions that the applicant can be called back at any time

in the public interest. Since the post of applicant in Municipal Council, Beed was vacant and his services were required at Beed, his deputation has been cancelled.

6. The applicant has filed rejoinder affidavit reiterating the fact which he has averred in the application in addition to this he has also stated about his medical problem.

7. It is material to note that the applicant has been transferred to Beed in the year 2013. He worked there for one year only and thereafter, vide order dated 22.06.2014 he was deputed on the post of City Engineer at Latur Municipal Corporation on certain conditions. The condition No. 2(A) & (B) of the said order of deputation dated 22.06.2014 (Exhibit-'B') reads as under:-

“०२.(अ)जर त्यांची सेवा लोकसेवेच्या हिताच्या दृष्टीने या संचालनालयास आवश्यक वाटली तर कोणत्याही वेळी त्यांना परत बोलावून घेण्याचा अधिकार संचालनालय राखून ठेवत आहे.

(ब)जर त्यांची सेवा स्वीयेतर नियोकत्याला आवश्यक वाटली नाही तर त्याला मूळ विभागाकडे परत पाठविण्याची मुभा स्वियेतर नियोकत्याला राहिल.”

8. Plain reading of the aforesaid conditions on which the applicant was deputed to Latur clearly shows that the competent authority has every right to cancel the deputation and to callback

the applicant at Beed at any time in the public interest. In view of this, the impugned order dated 30.05.2015 has been passed, whereby the deputation of the applicant has been cancelled and not his posting at Beed. The respondents have stated in their affidavit in reply that the circumstances under which the deputation was required to be cancelled and I do not find any difficulty to accept the contentions raised by the respondents in the affidavit in reply. If the post of the applicant at Beed is vacant and the respondent authorities thought it proper to cancel the deputation of the applicant and are post him at in his original post at Beed, I am absolutely find no reason to deny such exigency. The applicant accepted deputation order, which was condition and therefore, now he cannot say that the said deputation order can be cancelled. I therefore, do not find any force in the O.A. and hence, I pass following order:-

ORDER

The Original Application stands dismissed with Costs of Rs. 1000/- (One Thousand Only).

(J.D. KULKARNI)
MEMBER (J)