

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NOS 352, 387, 436 & 448 OF 2020**

**DISTRICT : SOLAPUR**

**1) ORIGINAL APPLICATION NO. 352 OF 2020**

Mr. Mahaveer Prakash Shelke, )  
Occ : Forest Guard, )  
R/at: Post Surdi, Tal-Barshi, )  
Dist-Solapur. )...**Applicant**

**Versus**

1. The Chief Conservator of Forest, )  
[Territory], Pune. )  
Vanbhavan Bhamburda )  
Van Vhiarn, Gokhale Nagar, )  
Pune 411 016. )
2. The Deputy Conservator of Forest )  
Solapur Forest Department, )  
Solapur, Vanbhavan, )  
Vijapur Road, Solapur 413 004 )
3. Mr K.W Shaikh, )  
Forest Guard, Bhima-1, )  
Bhimashankar Wildlife Range, )  
Forest Office, Wildlife Department )  
Pune. )...**Respondents**

**2) ORIGINAL APPLICATION NO. 387 OF 2020.**

Kalpna Uttamrao Patil, )  
Forester, )  
R/o: C/o. Gund Aniket, )  
Jay Bhavani Fabrics, Gosaviwadi, )  
Bhor. )...**Applicant**

Vs.

1. State of Maharashtra, )  
Through Principal Secretary, )  
Forest Department, Mantralaya, )  
Mumbai 400 032. )
2. Chief Conservator of Forest, )  
[Territorial], Pune. )  
Vanbhawan, Bhanbhurda )  
Vanvhiar, Gokhale Nagar, )  
Pune 411 016. )
3. Range Forest Officer, )  
Tal-Bhor, Dist-Pune. )...**Respondents**

**3) ORIGINAL APPLICATION NO 436 OF 2020**

- Sonali T. Ohal, )  
Forest Guard, R/o: Flat no. 605, )  
Shripad Society, Behind School No. 3, )  
Bhor 412 206. )...**Applicant**

Vs.

1. State of Maharashtra, )  
Through Principal Secretary, )  
Forest Department, Mantralaya, )  
Mumbai 400 032. )
2. Chief Conservator of Forest, )  
[Territorial], Pune. )  
Vanbhawan, Bhanbhurda )  
Vanvhiar, Gokhale Nagar, )  
Pune 411 016. )
3. Sub Divisional Forest Guard, )  
Sub Division Office, )  
Smarat Chowk, )  
Near Jijamata School, )  
Bhor 412 206. )
4. Shri S.K Honra, )

Forest Guard, currently working )

At Rayari Beat, Bhor Sub Division)... **Respondents**

**4) ORIGINAL APPLICATION NO. 448 OF 2020**

Shri Sham Dattatrey Bhokare, )  
Forester, R/o: A/P Bhor, )  
Bhareshwar Nagar, Tal-Bhor, )  
Dist-Pune 412 206. )...**Applicant**

Vs.

1. State of Maharashtra, )  
Through Principal Secretary, )  
Forest Department, Mantralaya, )  
Mumbai 400 032. )
2. Chief Conservator of Forest, )  
[Territorial], Pune. )  
Vanbhawan, Bhanbhurda )  
Vanvhiar, Gokhale Nagar, )  
Pune 411 016. )
3. Sub Divisional Forest Officer, )  
Sub Division Office, )  
Smarat Chowk, )  
Near Jijamata School, )  
Bhor 412 206. )...**Respondents**

Shri K.R Jagdale, learned advocate for the Applicant in O.A 352/2020

Mrs Punam Mahajan, learned advocate for the applicants in O.A 387, 436 and 448/2020.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

**CORAM** : **Justice Mridula R. Bhatkar (Chairperson)**

**DATE** : **24.11.2020**

**J U D G M E N T**

1. Heard Shri K.R Jagdale, learned advocate for the Applicant in O.A 352/2020, Mrs Punam Mahajan, learned advocate for the applicants in O.A 387, 436 and 448/2020 and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. In all these matters, the applicants who are working as Forest Guard or Forester challenge their respective transfer orders dated 30.7.2020 in O.A 352/2020, 10.8.2020 in O.A 387/2020, 23.7.2020 in O.A 436/2020 and 20.7.2020 in O.A 448/2020.

3. The applicant in O.A 352/2020 is transferred from Pangri Forest Range, Barshi, Dist-Solapur to Phadtari Forest Range, Malshiras Forest Range, Dist-Solapur. In O.A 387, applicant, Forester is transferred from Hirdoshi, Bhore Sub Division to Divisional Forest Officer, Social Forestry Division, Pune. Applicant in O.A 436/2020, Forest Guard transferred from Rayari Beat, Bhore Division to Junnar Division. Applicant in O.A 448/2020, Forester transferred from Ambegaon Velhe Range, Sub Division, Bhore to Karla, Shirola Range, Pune Forest Division, Pune. Learned counsel Shri Jagdale points out that meeting of Civil Services Board was not held in O.A 352/2020. Learned Counsel Mrs Punam Mahajan points out that though meeting of Civil Services Board was held in all other matters, it was considered that the applicants were due for transfer.

4. On hearing learned counsel for both the sides, it is found that these transfers are challenged mainly on the ground that the applicant being Group-C Government servants are entitled to two tenures, i.e. 3 years each. These are mid-tenure transfers. Hence, the permission of the next preceding authority i.e. Head of the Department and next higher authority is required and so also the meeting of the Civil Services Board is not conducted.

5. Learned P.O, has relied on affidavit in reply of the concerned Respondent-Officers and had submitted that the applicants are not entitled to six years tenure, as they all have completed their tenure and also stayed in one Division for 10 to 14 years and they are to be transferred and hence the transfer orders are justified.

6. Admittedly, the applicants who are Forester or Forest Guard fall in Group-C and hence covered under proviso of Sec 3 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as 'ROT Act 2005' for brevity), who are entitled to remain at one post for two tenures (each of three years). On perusal of the record it is found that the applicants have not completed total six years at the post where they are working and therefore, undoubtedly it is mid-term or mid-tenure transfer. Though the Government is empowered to transfer any Government servant in between his normal tenure, as mentioned in the Act, the rider for such transfer under Sections 4 & 5 of the Act is necessarily to be complied with.

7. For mid-term tenure transfer of Group-C Government servants, the permission of the immediate higher authority as per Section 4(4)(2) & 4(5) of the Act and so also under Section 6 of the Act is required. Such permission is not taken by the Respondents. The record of the minutes of the Civil Services Board, except in O.A 387/2020, is also not placed before the Tribunal.

8. Hence for want of compliance under Section 4(4)(2) & 4(5) the orders of transfer are not sustainable. In view of the above, following order is passed.

**O R D E R**

- (a) The Original Applications are allowed.
- (b) The transfer order of the respective applicant is quashed and set aside.

- (c) The applicants are directed to join at their respective place of posting from where they were transferred.

**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**

**Date : 24.11.2020**

**Dictation taken by : A.K. Nair.**

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