

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 410/2019 (S.B.)**

Arun Jagannath Raut,  
Aged about 58 years, Occ. Service,  
R/o Gajanan Nagar, Knanapur Road,  
Patur, District Akola.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Principal Secretary,  
Revenue Department,  
Mantralaya, Mumbai-32.
- 2) The District Superintendent of Land Records,  
Administrative Building, 1<sup>st</sup> floor, Collectorate,  
Akola, District Akola.

**Respondents.**

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**S/Shri D.M. Kakani, G.K. Bhusari, Advocates for the applicant.**

**Shri M.I. Khan, P.O. for the respondents.**

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**Coram :- Hon'ble Shri Anand Karanjkar,  
Member (J).**

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**Date of Reserving for Judgment : 10<sup>th</sup> February, 2020.**

**Date of Pronouncement of Judgment : 13<sup>th</sup> March, 2020.**

**JUDGMENT**

**(Delivered on this 13<sup>th</sup> day of March, 2020)**

Heard Shri G.K. Bhusri, learned counsel for the applicant  
and Shri M.I. Khan, learned P.O. for the respondents.

2. The applicant is Ex-serviceman and after his retirement from the Armed Forces, he was appointed in Group-D category as Peon and at present he is working on the establishment of the respondents, in the office of Deputy Superintendent of Land Records, Patur.

3. It is contention of the applicant that without following the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005"), the respondent no.2 transferred the applicant from Patur to Akot which is 100 Kms. away. It is submitted that the applicant being Group-D employee and therefore his transfer is in violation of the Section 3 of the Transfers Act,2005. The second submission is that the respondent no.2 did not consider the family difficulties of the applicant such as illness of his mother, illness of his wife and due to this illegal transfer, the applicant is penalised. It is submission of the applicant that only for harassment, the impugned transfer order Annex-A-1, dated 31/5/2019 was issued by the respondent no.2 and therefore it is liable to be quashed.

4. The respondent no.2 has submitted the reply which is at page no.48 of the P.B. It is contention of the respondent no.2 that as serious complaints were received regarding the behaviour of the applicant and other staff members, therefore, in contemplation of the

disciplinary inquiry, it was necessary to transfer the applicant from Patur to Akot. It is submitted that disciplinary inquiry is going on against the applicant and therefore there is no violation of the statutory provisions.

5. In order to decide the controversy it is necessary to consider the provision under section Section 3(2) of the Transfers Act,2005, it says that the Group D employees shall normally not be subjected to fix tenure, they shall not be transferred from the station where they are serving except on their request or when a substantial complaint of serious nature is received against them.

6. After reading Section 3(2) of the Transfers Act,2005 it is clear that in two contingencies the Competent Authority may transfer Group-D Government servant, the first is on his own request and second is when the complaint of serious nature is received against him. In the present matter, the respondent no.2 has placed on record sufficient documents to show that in pursuance of the complaint received against the applicant, the disciplinary proceeding is initiated and it is going on. In view of this, as there is a material that there was a serious complaint regarding conduct of the applicant while serving at Patur, therefore, it is not possible to accept that the impugned transfer is in violation of the law. The impugned transfer order Annex-A-1 is dated 31/5/2019, therefore, it is not possible to say that it is a mid-term

transfer and considering the background for the transfer, it is not possible to say that there was no propriety to transfer the applicant.

7. The legal position is settled that while hearing the O.A. in which transfer is challenged, the Bench cannot decide whether there were sufficient reasons to initiate the departmental inquiry or not. As the disciplinary proceeding is in progress on the basis of serious allegations, it justify the transfer of the applicant.

8. In view of this, I do not see any merit in this application. Hence, It is dismissed. No order as to costs.

**Dated** :- 13/03/2020.

**(A.D. Karanjkar)**  
**Member (J).**

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I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 13/03/2020.  
and pronounced on

Uploaded on : 13/03/2020..