

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.376/2017. (S.B.)

Sharad Dinkar Pachkhede,
Aged about 56 years,
Occ- Service,
R/o C/o K.S. Awatade, Patel Nagar,
Chandrapur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Principal Secretary,
Department of Water Supply & Sanitation,
7th floor, Gokuldas Tejpal Hospital Bldg.,
Lokmanya Tilak Road,
Mantralaya, Mumbai-32.
2. The Director,
Ground Water Supply & Development Agency,
(M.S.), Bhujal Bhavan, Shivaji Nagar,
Pune-411005.
3. The Deputy Director,
Ground Water Supply & Development Agency,
Maharashtra Jeevan Pradhikaran Building,
Telangkhedi, Civil Lines, Nagpur.
4. The Senior Geologist,
Ground Water Supply & Development Agency,
Administrative Building, Room Nos. 15-16, Chandrapur.
5. Shri N.B. Chikhram,
Junior Clerk, in the office of Sr. Geologist,
Ground Water Supply & Development Agency,
Administrative Building, Room Nos. 15-16,
Chandrapur.

Respondents.

Shri N.N. Thengre, the learned counsel for the applicant.
Shri S.A. Sainis, the Ld. P.O. for respondent Nos. 1 to 4.
None appeared for respondent No.5.

**Coram:- Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGMENT

(Delivered on this 9th day of October 2017).

Heard Shri N.N. Thengre, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for respondent Nos. 1 to 4. None appeared for respondent No.5.

2. The applicant in this case was initially appointed as Junior Clerk on 24.10.1981 as per order of the Hon^{ble} High Court in L.P.A. No. 36 and 37. On 4.2.2015, revised order was passed giving continuity of service to the applicant and also service dues and accordingly the applicant came to be reinstated in service on 10.4.2015 without back wages. Vide impugned order dated 31.5.2017, the applicant has been transferred from the post of Junior Clerk in the office of Senior Geologist, Ground Water Survey & Development Agency, Chandrapur on the same post in the office of Senior Geologist, Ground Water Survey & Development Agency, Gadchiroli in place of one Shri N.B. Chikhram, who is respondent No. 5 in this case. The said impugned order of transfer has been challenged in this O.A. on

various grounds. The applicant has prayed that the impinged order of transfer be quashed and set aside, so also the order whereby respondent No.5 has been transferred and posted in place of the applicant, also be quashed.

3. The respondents have strongly objected the O.A. It is stated that the applicant is working in the office of Senior Geologist, Ground Water Supply & Development Agency, Chandrapur since 24.10.1981. His services have been regularized on 10.4.2015 w.e.f. 11.3.2010. The applicant made false allegations against the Senior Geologist, G.S.D.A., Chandrapur that he demanded the amount of Rs. 50,000/- for paying arrears of salary from the applicant. In fact, letters dated 16.1.2017 and 23.1.2017 were issued to the applicant by respondent No.4 in routine, calling some information. A proposal to transfer the applicant was submitted to the competent authority on 4.2.2017 and the Nagri Seva Mandal in its meeting dated 26.4.2017 approved the applicant's transfer and, therefore, the applicant was transferred. He was relieved on 1.6.2017 and had joined at Gadchiroli on 3.6.2017 and, therefore, nothing remains in the O.A.

4. Perusal of the application as well as documents on record clearly shows that right from the beginning, even when the applicant was in service on temporary basis, the applicant remained at Chandrapur in the office of Senior Geologist, Ground Water Supply &

Development Agency, Chandrapur. His tenure at Chandrapur is from 24.10.1981 when he was initially appointed on temporary basis. Even though the applicant's services were regularized vide order dated 10.4.2015. He was in fact regularized w.e.f. 11.3.2010 and still remained at Chandrapur itself in the office of Senior Geologist, Ground Water Supply & Development Agency, Chandrapur. The respondent authorities thereafter thought it proper to transfer the applicant, since he was never transferred and the said proposal has been accepted by the competent authority and accordingly the impugned order of applicant's transfer has been issued. I, therefore, do not find any illegality in the order of transfer issued by the respondent No.3.

5. The learned counsel for the applicant has placed on record a copy of one communication dated 13.2.2017 wherefrom it seems that the applicant's request for transfer was rejected on the ground that he has completed his service tenure for one year and nine months only in the said office. The said communication is not challenged in this O.A. and it is also not known as to what relevancy it has with the impugned order of transfer. Entire pleadings nowhere shows as to how the impugned order is against the provisions of the Transfer Act, 2005, except the contention that the applicant is due for retirement on completion of 58 years of age. If the applicant has another ground which he thinks to be genuine, he will be at liberty to

file the C.A. for his re-transfer / fresh transfer at Chandrapur. However, since there is no illegality or malafides in the impugned order of transfer and since the said order has already been implemented, there is no reason to interfere in the same. Hence, I proceed to pass the following order:-

ORDER

The O.A. is dismissed with no order as to costs.

(J.D.Kulkarni)
Vice-Chairman(J)