

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 410 of 2020 (S.B.)

Smt. Pratibha Manoherrao Deshmukh,
Aged 57 Yrs., Occ. Service,
R/o Amravati, District Amravati.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of School Education & Sports,
Mantralaya, Mumbai-32.
- 2) The Commissioner,
Sports & Youth Services,
Maharashtra State, Pune.
- 3) The Joint Director,
Sports & Youth Services,
Maharashtra State, Pune.

Respondents.

Shri A.P. Tathod, Advocate for the applicant.

Shri S.A. Deo, C.P.O. for the respondents.

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

Date of Reserving for Judgment : 5th October, 2020.

Date of Pronouncement of Judgment : 12th October, 2020.

JUDGMENT

(Delivered on this 12th day of October, 2020)

Heard Shri A.P. Tathod, learned counsel for the applicant
and Shri S.A. Deo, learned C.P.O. for the respondents.

2. The applicant is challenging the transfer order dated 29/7/2020. The applicant was serving as Deputy Director, Sports & Youth Services, Amravati. According to her, by the impugned order she is transferred and posted on the same post at Latur. The transfer is mainly attacked on the ground that the applicant's date of birth is 16/7/1963 and she is due for retirement at the end of July,2021. It is submitted that as per Section 5 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005") there is a Government policy that the Government servant shall not be transferred if the Government servant is due for retirement within one year.

3. I have heard the submission on behalf of the learned C.P.O. It is submitted that the transfer order is dated 29/7/2020 and remaining service of the applicant on 29/7/2020 was not less than one year. The second submission is that the applicant is posted on a vacant post as there was administrative need and therefore the case is covered under Section 4 (i) of the Transfers Act,2005. After reading Section 4 (i) of the Transfers Act,2005, it seems that if the post become vacant due to retirement, promotion, resignation etc., then any other Government servant can be transferred and posted even during the mid-term. In view of this, there is no legal flaw in the

transfer order. The learned CPO also invited my attention to the fact that the reliever of the applicant already resumed the duty on 31/7/2020 as the applicant was immediately relieved from the post. The learned CPO has also invited my attention to Annex-A-1. This was the representation made by the applicant. In this representation, in the last paragraph request was made by the applicant to consider her for the promotion as Joint Director. Admittedly, post of Joint Director was not available either at Amravati or at Latur. This means that the applicant was ready to accept the promotion as Joint Director and was ready to leave Amravati, therefore, it seems that only because the applicant is posted at Latur, therefore, she has filed this O.A. After reading the O.A. and the allegations made, I do not see any illegality in the impugned transfer order. Hence, the O.A. stands disposed of. No order as to costs.

Dated :- 12/10/2020.

dnk..

(Anand Karanjkar)
Member (J).

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 pronounced on : 12/10/2020.

Uploaded on : 13/10/2020.

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