

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 451 of 2023**  
**WITH CIVIL APPLICATION No.671/2023 (S.B.)**

Anil Ratiram Fulzele,  
Aged about 45 years,  
R/o Arjun Nagar, Amravati.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Principal Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai-32.
- 2) Settlement Commissioner and Director of Land Record (M.S.),  
Agarkar Nagar, New Administrative Building Opp. Counsel Hall,  
Pune.
- 3) Suhas Ramesh Yeklare,  
Aged about 45 years,  
R/o Special Dy. Superintendent of Land Record  
and Inquiry Officer (City Survey No.2), Amravati.

**Respondents.**

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**S/Shri D.M. Kakani, G.K. Bhusari, Advocates for the applicant.**  
**Shri A.M. Khadatkhar, learned P.O. for the respondent nos.1&2.**  
**S.R. Yeklare, respondent no.3.**  
**Shri S.N. Gaikwad, learned counsel for proposed Intervener.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated :- 24/01/2024.**

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## **JUDGMENT**

Heard Shri G.K. Bhusari, learned counsel for applicant, Shri A.M. Khadatkar, learned P.O. for respondent nos.1 and 2, none for respondent no.3 and Shri S.N. Gaikwad, learned counsel for proposed Intervener.

2. The case of the applicant in short is as under –

The applicant was transferred to Amravati on 10/08/2020 from Nagpur. The applicant is working as a City Survey Officer. The applicant has challenged the order dated 10/05/2023 by which he is transferred from Amravati to Umarkhed. It is the contention of the applicant that it is a mid-term transfer and therefore the impugned transfer order is illegal and therefore liable to be quashed and set aside.

3. The respondents have filed reply and submitted that the behaviour of applicant was not good in the office at Amravati. He had behaved indecently with women employees. He behaved arrogantly and indecently with the Officer of Anti Corruption Bureau (ACB). The F.I.R. was lodged. Many employees had given in writing about the complaints / indecent behaviour of the applicant. Therefore, preliminary inquiry was initiated against the applicant. During the preliminary inquiry, it was found that applicant has committed misconduct. Thereafter departmental inquiry was initiated and charge

sheet was also issued to the applicant. Therefore, the applicant was transferred from Amravati to Umarkhed. Hence, the O.A. is liable to be dismissed.

4. This Tribunal has granted stay to the impugned transfer order. It is the contention of applicant that it is a mid-term transfer order.

5. During the course of submission, the learned counsel for applicant has pointed out the Judgment of this Tribunal and the Government G.R. in respect of the transfer. There is no dispute that if the mid-term is to be made, then the procedure as prescribed in Section 4 (4) and 4 (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") is to be complied.

6. The learned counsel for the applicant has submitted that without complying the said provision as prescribed in the Transfers Act,2005, the applicant is transferred. Hence, impugned transfer order is liable to be quashed and set aside.

7. From the perusal of the documents filed on record by the side of respondents / intervener, it appears that the behaviour of the applicant with women employees were not proper. He behaved

indecently with women employees in the office. The common complaints were made by nearabout 35-36 women employees against the applicant. The preliminary inquiry was conducted and it was found that there is substance in the complaints made by the women employees against the applicant. The applicant was transferred on 10/08/2020. It was also a mid-term transfer order, but the applicant had not challenged the said order. Only the period of three months is less to complete the normal tenure. The impugned transfer order is dated 10/05/2023.

8. Looking to the misconduct committed by the applicant and as per the policy of the Government, that when the departmental inquiry is initiated, then the delinquent employee should be transferred from the said place so that there should not be any occasion to pressurize the witnesses by the delinquent employee.

9. Hence, the impugned transfer order cannot be said to be illegal. The cited Judgment is not applicable to the case in hand.

10. Hence, the O.A. is dismissed. The C.A. is also disposed of. No order as to costs.

**Dated** :- 24/01/2024.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

\*dnk.

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 Vice Chairman.

Judgment signed on : 24/01/2024.