

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 595 of 2022 (S.B.)

Chandramani S/o Krishnaji Uke,
Aged about 52 years, Occ. Service,
R/o Plot No.51, Raunak Apartment,
Banerjee Layout, Bhagwan Nagar, Nagpur – 440 027.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Principal Secretary,
Water Supply and Sanitation Department,
Mantralaya, Mumbai-32.
- 2) Commissioner,
Directorate of Ground Water Survey and Development
Agency, Bhujal Bhavan, Wakdewadi Road,
Shivaji Nagar, Maharashtra State, Pune-411 005.
- 3) Senior Geologist,
Ground Water Survey and Development Agency,
Maharashtra Jeevan Pradhikaran Building, 1st floor,
Civil Lines, Bhandara-4410904.

Respondents.

Shri R.M. Fating, Advocate for the applicant.

Shri M.I. Khan, learned P.O. for respondents.

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

Dated :- 03/08/2022.

JUDGMENT

Heard Shri R.M. Fating, learned counsel for the applicant
and Shri M.I. Khan, learned P.O. for the respondents.

2. The applicant is working as a Junior Geologist, Ground Water Survey and Development Agency, Bhandara. He is directed to work at Sangli without any regular transfer order. It is submitted that there is no any Govt. G.R. or order about the deputation of the applicant from Bhandara to Sangli. Therefore, the applicant approached to this Tribunal for the following reliefs –

“ Quash and set aside the impugned order dated 23/05/2022 (Annex-A-3) issued by respondent no.2, only to the extent of applicant’s posting at Sangli and also quash and set aside the impugned order dated 26/05/2022 (Annex-A-7) issued by respondent no.3, in the interest of justice”.

3. The application is strongly opposed by the respondents. It is submitted that as per the Government scheme of Atal Bhujal Yojana, the guidelines are given in the Govt. G.R. dated **26/11/2020**. No separate posts are created for the said scheme. The applicant is directed to work at Sangli for some period. It is not a regular transfer. Hence, the O.A. is liable to be dismissed.

4. Heard learned counsel for applicant Shri R.M. Fating. He has pointed out the letter / information supplied by the Public Information Officer, Ground Water Survey and Development Agency (M.S.), Pune (जन माहिती अधिकारी, भुजल सर्वेक्षण व विकास यंत्रणा,पुणे) dated 29/06/2022. It is marked Exh-X for identification. The learned counsel

for applicant has submitted that there is no G.Rs. to direct the applicant to work at Sangli on loan basis (उसन्वारी).

5. Heard learned P.O. Shri M.I. Khan. He has pointed out Govt. G.R. dated 26/11/2020. As per his submission, no post is created for the scheme of Atal Bhujal Yojana and therefore the applicant is directed to work for a period of three months at Sangli. He has pointed out one letter issued by the Geological Department, Pune dated 5/7/2022.

6. From the perusal of letter dated 5/7/2022, it appears that the applicant is directed to work on loan basis (उसन्वारी) at Sangli for a period of three months. The applicant was working at Bhandara in the Geological Department. The G.R. dated 26/11/2020 is in respect of implementation of Atal Bhujal Scheme. As per this G.R. dated 26/11/2020, no separate posts are created by the Government. The employees working in the Geological Department shall be posted in addition to their own work.

7. It is pertinent to note that the distance between Bhandara and Sangli is near about 800 Kms. As per the G.R. dated 26/11/2020, the employees who are posted for the work of Atal Bhujal Scheme has to work in that scheme after discharging his own work on the original post. It is not possible for an employee to work at Sangli and also at

Bhandara. The material portion of the G.R. dated 26/11/2020 is reproduced as under –

“ अटल भूजल योजनेमध्ये जिल्हा प्रकल्प व्यवस्थापन कक्षाकरिता भूजल सर्वेक्षण आणि विकास यंत्रणेच्या नियमित आस्थापनेवरून भरावयाच्या पदांसाठी पदनिर्मिती होणार नाही. भूजल सर्वेक्षण आणि विकास यंत्रणेमधील जी पदे त्यांच्या मूळ आस्थापनेवरून अटल भूजल योजनेकरिता घेण्यात येणार आहेत, अशा पदांना अटल भूजल योजनेशिवाय त्यांचे स्वपदाचे नियमित कामकाज करणे बंधनकारक राहिल.”

8. The document dated 29/06/2022 filed by the learned counsel for applicant shows that there is no any Govt. G.R. to direct the employee to work at a particular place on loan basis (उसनवारी). The respondents have not explained as to how and what basis the applicant is directed to work at Sangli without any transfer order. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned transfer order dated 23/05/2022 issued by respondent no.2 is hereby quashed and set aside to the extent of applicant only.
- (iii) No order as to costs.

Dated :- 03/08/2022.

(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 : 03/08/2022.

Uploaded on : 04/08/2022.

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