

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 904 of 2022 (S.B.)**

Laxmi Wd/o Swapan Shaha,  
Aged 46 yrs, occu: service,  
R/o Plot 37 Subhash colony, Mul Road,  
District Chandrapur Presently at Washim.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through the Chief Secretary Deptt. of Revenue & Forests,  
Mantralaya, Mumbai 400032.
- 2) The Chief Conservator of Forest,  
Office of the CFO, Chandrapur.
- 3) The Deputy Conservator of Forest,  
O/o Bramhapuri Forest Deptt., Bramhapuri,  
District Chandrapur.
- 4) The Deputy Conservator of Forest, Washim.

**Respondents.**

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**S/Shri Inamul Haque, Sanjay Karmarkar, Advs. for the applicant.**  
**Shri A.M. Khadatkhar, learned P.O. for respondents.**

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

**Dated :- 14/12/2023.**

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**JUDGMENT**

Heard Shri Inamul Haque, learned counsel for the applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.

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

The applicant was suspended. Thereafter, the applicant approached to this Tribunal challenging the suspension order. This

Tribunal has revoked the suspension order. Thereafter, the applicant was transferred to Washim. The said order was also challenged before this Tribunal. The stay was not granted to the said transfer order. The Review Application was filed and thereafter the Contempt Petition was filed before this Tribunal.

3. The applicant has filed this O.A. for the following reliefs –

*“(10) (i) Quash and set aside the impugned order dated 18.02.2022 and 23.02.2022 (Annexure A-1) passed by the Respondent No.1 and Respondent No.2 respectively.*

*(ii) and further be pleased to direct the Non-Applicants to continue her services at Bramhapur as Range Forest Officer on an executive post, or transfer her to North Bramhapuri of Brahmपुरi Division, or Sawali of Chandrapur division.*

*(11) Interim relief sought for -*

*During the pendency of the present application, this Hon'ble Tribunal may be pleased to direct the non-applicants, to stay effect, operation and execution of the impugned order dt. 18.02.2022 and 23.02.2022 passed by the Respondent No.1 and the Respondent No.2 respectively.”*

4. The O.A. is strongly opposed by the respondents. It is submitted that during the inquiry she cannot be posted at the same place and therefore she is transferred to Washim from Bramhapuri, Dist. Chandrapur. There is no illegality in the order. Moreover, the same issue is decided by this Tribunal. Hence, the O.A. is liable to be dismissed.

5. During the course of submission the learned counsel for the applicant has submitted that the applicant has not completed three years of service and therefore in view of 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 impugned transfer order is liable to be quashed and set aside and she be continued her service at Bramhapuri as Range Forest Officer on an executive post or transfer her to North Bramhapuri of Bramhapuri Division or Sawali of Chandrapur Division.

6. The contention raised in this O.A. is already decided by this Tribunal in Contempt Petition no.30/2022 in O.A.No.421/2021. This Tribunal has observed in paras-2 to 6 as under -

"Heard Shri A.Mahajan, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. Ld. Counsel for the applicant has filed Contempt Petition for not compliance of the order dated 15.02.2022 in Review Application No. 01/2022 in O.A.No.421/2021, this Tribunal has allowed the O.A. and impugned suspension order dated 24.05.2021 was revoked and respondent no. 2 was directed to reinstate the applicant with continuity in service. The respondents have transferred the applicant from Brahmapuri to Washim.

3. Ld. Counsel for the applicant has submitted that instead of reinstated her from same post she was illegally transferred her to Washim. Ld. P.O. has pointed out G.R. dated 20.04.2013 and submitted that the disciplinary

authority may transfer the delinquent employee after revocation of suspension order from one Division to another Division.

4. Ld. Counsel for the applicant has pointed out Judgment of Hon'ble Supreme Court in case of **Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya (D.ed.) and Ors., (2013) 10 SCC 324**. He mainly relied on para no. 22 of the said Judgment.

5. However, the stated judgment is not applicable to the case in hand. Ld. Counsel for the applicant is wrongly interpreted the order dated 15.02.2022. There is nothing on the record to show that respondents were reinstated from transferring the applicant from one Division to another Division. As per G.R. dated 20.04.2013, the respondents are authorized to transfer the applicant from one Division to another Division.

6. Hence, there is no merit in the Contempt Petition, it is dismissed with no order as to costs.”

7. In the said Contempt Petition it was contended by the applicant that she was wrongly transferred to Washim. The learned P.O. has shown G.R. dated 20/04/2013 and submitted that during the pendency of disciplinary proceeding, authority may transfer the delinquent employee after revocation of suspension from one division to another division. The applicant is transferred from one division to another division because of the departmental inquiry is initiated against her. The applicant cannot file the O.A. again and again for the same relief. The relief prayed in this O.A. is already decided by this Tribunal. Hence, the following order –

**ORDER**

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

**Dated** :- 14/12/2023.

**(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 P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 14/12/2023.