

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 720/2023 (S.B.)

Kesharinandan S/o Bahwanji Rajurkar,
Aged about 56 years, Occ. Service,
R/o Plot No. 53, Vakilpeth,
Near Reshimbagh Square,
Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Department of Irrigation,
Mantralaya, Mumbai-32.
- 2) Superintending Engineer & Director,
Directorate of Irrigation Research and Development,
Pune, 8, Moledina Road,
Camp, Pune-411 001.
- 3) Executive Engineer,
Irrigation Research Division,
B & C Compound, Near Govt. Hospital,
Akola - 444 001.
- 4) Jayant Shankarrao Kothote,
Aged about 56 years, Occ. Service,
Sub-Divisional Engineer,
Pench Irrigation Sub-Division,
Nagpur.

Respondents

Shri S.Jagtap, Id. Advocate for the applicant.

Shri A.M.Khadatkar, Id. P.O. for the respondents.

Coram :- Hon'ble Shri M.A.Lovekar, Member (J)

JUDGMENT

Judgment is reserved on 23rd Jan., 2024.

Judgment is pronounced on 29th Jan., 2024.

Heard Shri S.Jagtap, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the Respondents.

2. By the impugned order dated 30.06.2023 (A-1) the applicant who holds the posts of Sub Divisional Engineer, was transferred from Irrigation Research Sub-Division, Nagpur where he was working since 30.08.2019, to Irrigation Research Sub-Division, Akola.

3. It is the contention of the applicant that as per G.R. dated 09.04.2018 (A-2) options were called for posting from the employees who were due for transfer, he had given 10 options, no counselling was done nor were his options considered. In the year 2019 he had suffered a stroke and as per G.R. dated 09.04.2018 he should have been accommodated on any post of his choice. By order dated 30.06.2023 (A-5) transfers as per request of several similarly placed employees were made.

4. In reply, it was submitted by ld. P.O. Shri A.M.Khadatkar, as per pleading of respondents 1 to 3, that the applicant is a Group-A Officer and hence G.R. dated 09.04.2018 was not applicable to his case. Perusal of this G.R. shows that Group-A Officers have been excluded from its

purview. This being the factual position all submissions of the applicant which are founded of G.R. dated 09.04.2018 will have to be rejected.

5. Further contention of the applicant is that the impugned transfer was not recommended by the appropriate Civil Services Board. This has been stoutly disputed by the respondents. To support the aforesaid contention reliance was sought to be placed by the applicant on G.R. dated 22.08.2019 which speaks about reconstitution of Civil Services Board 1 (A), 1 (B) and 1 (G). The impugned order shows that it was passed as per recommendation of Civil Services Board 1 (H). Order issued on 30.01.2017 (at P. 113) reads as under:-

:- आदेश:-

विषय :- नागरी सेवा मंडळ स्थापन करण्यास मान्यता मिळणेबाबत

संदर्भ :- आपले जा.क्र. पासंविंस/प्रलि-१/२९२/२०१७, दिनांक २३/०१/२०१७ रोजीचे पत्र.

संदर्भाधीन पत्रास अनुलक्षून कळविण्यात येते की, आपल्या कार्यक्षेत्रांतर्गत अभियांत्रिकी / वैज्ञानिक सेवेतील गट-अ (राजपत्रित) व गट-ब (राजपत्रित/अराजपत्रित) संवर्गातील अधिकाऱ्यांच्या पदस्थापना, बदली याबाबत खालील प्रमाणे नागरी सेवा मंडळ १ (इ) समिती स्थापन करण्यास मान्यता देण्यात येत आहे.

अधीक्षक अभियंता व संचालक, पाटबंधारे संशोधन व विकास संचालनालय पुणे.	अध्यक्ष
कार्यकारी अभियंता, पाटबंधारे संशोधन विभाग, नाशिक	सदस्य
सहायक अधीक्षक अभियंता, यांत्रिकी मंडळ, पुणे	सदस्य

सामान्य प्रशासन विभागाच्या दिनांक ३१/०१/२०१४, व विभागाच्या दिनांक २१/०८/२०१५ रोजीच्या शासन निर्णयामध्ये दिलेल्या मार्गदर्शक सूचनाप्रमाणे काटेकोरपणे अंमलबजावणी करावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

The respondents have maintained that the impugned order was passed by duly constituted Civil Services Board 1 (H).

Relevant part of G.R. dated 05.12.2014 reads as under:-

	पदनाम	सक्षम प्राधिकारी	कलम ४(४) (एक), ४(४) (दोन) व ४(५) अंतर्गत सक्षम प्राधिकारी
XX	XX	XX	XX
ब)	उप अभियंता	मुख्य अभियंता	महासंचालक/कार्यकारी संचालक
XX	XX	XX	XX

Thus, it is apparent that the impugned order of transfer was passed by duly constituted Board.

6. One more contention raised by the applicant is that he is going to retire on superannuation on 30.11.2025. The impugned order is dated 30.06.2023. Section 5 (1) (a) of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 reads as under:-

5. Extension of tenure.

(1) The tenure of posting of a Government servant or employee laid down in section 3 may be extended in exceptional cases as specified below, namely:-

(a) the employee due for transfer after completion of tenure at a station of posting or post has less than one year for retirement;

(b) XX

(C) XX

Thus, benefit of this provision will also not be available to the applicant.

7. Discussion made hereinabove will show that the O.A. lacks merit. **It is accordingly dismissed with no order as to costs.**

(M.A.Lovekar)
Member (J)

aps
Dated – 29/01/2024

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed : 29/01/2024.
on and pronounced on

Uploaded on : 30/01/2024.