

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 44 of 2023 (S.B.)**

Bhimrao Ganpatrao Jiwane,  
Aged- 57 years, Occ- Service  
R/o District Library Chandrapur.

**Applicant.**

**Versus**

- 1) State of Maharashtra, through its  
Secretary Department of Higher and Technical Education,  
Mantralaya, Mumbai-32.
- 2) Director, Directorate of Libraries,  
Nagar Bhavan, Mumbai-01.

**Respondents.**

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**Shri R.V. Shiralkar, Advocate for the applicant.**  
**Shri A.M. Ghogre, learned P.O. for respondents.**

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**WITH**

**ORIGINAL APPLICATION No. 45 of 2023 (S.B.)**

Rajendra Gyanoba Kore,  
aged about 52 years, Occ. Service  
R/o Office of District Library officer,  
Tahsil Chowk, Yeotmal.

**Applicant.**

**Versus**

- 1) The State of Maharashtra, through its  
Secretary Department of Higher and Technical Education,  
Mantralaya, Mumbai-32.
- 2) Director of Libraries,  
Maharashtra State, Town Hall, Mumbai-01.

**Respondents.**

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**Shri R.V. Shiralkar, Advocate for the applicant.**  
**Shri A.M. Ghogre, learned P.O. for respondents.**

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**WITH**

**ORIGINAL APPLICATION No. 46 of 2023 (S.B.)**

Atul Pundlikrao Wankhade,  
aged about 49 years, Occ. Service  
R/o Vinayak Sankul, Tapadia Nagar, Akola.

**Applicant.**

**Versus**

- 1) The State of Maharashtra, through the  
Secretary, Department of Higher and Technical Education,  
Mantralaya, Mumbai-32.
- 2) Director of Libraries,  
Maharashtra State, Town Hall, Mumbai-01.

**Respondents.**

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**Shri R.V. Shiralkar, Advocate for the applicant.  
Shri A.M. Ghogre, learned P.O. for respondents.**

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**WITH****ORIGINAL APPLICATION No. 47 of 2023 (S.B.)**

Khumendra Bhaiyalal Bopche,  
aged about 50 years, Occ. Service  
R/o C/o Pradip Rangari, Shastri Nagar, Bhandara.

**Applicant.**

**Versus**

- 1) The State of Maharashtra, through the  
Secretary, Department of Higher and Technical Education,  
Mantralaya, Mumbai-32.
- 2) Director of Libraries,  
Maharashtra State, Town Hall, Mumbai-01.

**Respondents.**

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**Shri R.V. Shiralkar, Advocate for the applicant.  
Shri A.M. Ghogre, learned P.O. for respondents.**

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**WITH****ORIGINAL APPLICATION No. 48 of 2023 (S.B.)**

Satish Shankar Jadhav,  
aged about 45 years, Occ. Service,  
R/o Shivaji Nagar, Old city, Buldhana.

**Applicant.**

**Versus**

- 1) The State of Maharashtra, through the  
Secretary, Department of Higher and Technical Education,  
Mantralaya, Mumbai-32.
- 2) Director of Libraries,  
Maharashtra State, Town Hall, Mumbai-01.

**Respondents.**

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**Shri R.V. Shiralkar, Advocate for the applicant.  
Shri A.M. Ghogre, learned P.O. for respondents.**

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

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**Date of Reserving for Judgment : 12<sup>th</sup> June,2023.**

**Date of Pronouncement of Judgment : 16<sup>th</sup> June,2023..**

**COMMON JUDGMENT**

**(Delivered on this 16<sup>th</sup> day of June,2023)**

Heard Shri R.V. Shiralkar, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. for the respondents.

2. In all these O.As., the applicants have approached to this Tribunal against the mid-term transfer and prayed to quash and set aside the same.

**O.A. No.44/2023 –**

In this O.A., the applicant came to be transferred from the post of District Librarian, Chandrapur to the post of Technical Assistant, District Library Office, Jalna by the impugned transfer order dated 05/01/2023. The applicant was having additional charge of

District Library Officer. He was transferred from Mumbai to Chandrapur as per order dated 30/08/2021. The applicant has not completed normal tenure for transfer, therefore, prayed to quash and set aside the impugned transfer order.

2. The respondents have filed reply and submitted that the applicant is working on the post of Class-III cadre on the post of District Librarian. Because of abolition of the said post and non-availability of post at Chandrapur Library, the applicant came to be posted at Jalna where the post is available. It is submitted that as per the G.R. dated 16/12/2022, seven posts of District Librarian in Class-III cadre have been cancelled and new posts of District Library Officer, Group-B have been created. Because of the cancellation of Class-III post of District Librarian on which the applicant is working, it is necessary for the respondents to accommodate the services of the applicant at the available post, he was transferred to Jalna. It is submitted that till the abolition of the post of District Librarian, the applicant is working as a DDO even though working on Class-III post. The said work was objected by the Finance Department. It is submitted that the post of applicant is not available at Chandrapur, therefore, he is transferred to Jalna.

**O.A.No. 45/2023** –

In this O.A., the applicant was working as a District Librarian. He is transferred from Yavatmal to Dapoli as per the transfer order dated 05/01/2023. It is submitted that he has not completed normal tenure of transfer, therefore, prayed to quash and set aside the impugned transfer order.

2. The respondent nos.1 and 2 have filed reply. It is submitted that as per G.R. dated 16/12/2022, the post of District Librarian on which the applicant was working is abolished and to accommodate him he was transferred from Yavatmal to Dapoli. No post is available at Yavatmal. Hence, the impugned transfer order is perfectly legal and correct and hence the O.A. is liable to be dismissed.

**O.A. 46/2023** –

In this O.A. the applicant was working as a District Librarian. He is transferred from Akola to Aurangabad as per the transfer order dated 05/01/2023. It is his submission that he has not completed normal tenure and therefore prayed to quash and set aside the impugned transfer order.

2. The respondent nos.1 and 2 have filed reply. It is stated that seven posts of District Librarian are now abolished and therefore

to accommodate the applicant, he is transferred from Akola to Aurangabad where the post is available and therefore the impugned transfer order is perfectly legal and correct and hence the O.A. is liable to be dismissed.

**O.A. 47/2023** –

In this O.A. the applicant was working as a District Librarian. He is transferred from Bhandara to Washim as per impugned transfer order dated 05/01/2023. As per his contention, he is working as District Librarian, he has not completed normal tenure, therefore, prayed to quash and set aside the impugned transfer order.

2. The respondent nos.1&2 have filed reply. It is submitted that because of abolition of post of District Librarian and non-availability of post at Bhandara, the applicant came to be posted at Washim where the post is available and therefore, it is not a transfer, but it is a posting.

**O.A. 48/2023** -

In this O.A. the applicant was working as a District Librarian. He is transferred from Buldana to Beed as per the impugned transfer order dated 05/01/2023. He has not completed normal tenure, therefore, prayed to quash and set aside the impugned transfer order.

2. The respondent nos.1&2 have filed their reply. It is submitted that as per G.R. dated 16/12/2022 seven posts of District Librarian are now cancelled and new post of District Library Officer, Group-B has been created. Because of cancellation of Class-III post of District Librarian on which the applicant is working, it is necessary for the respondents to accommodate the services of the applicant at the available post, he is transferred from Buldana to Beed. It is not a transfer, but it is a posting. Hence, the O.A. is liable to be dismissed.

3. In all these O.As., the rejoinders are filed by the applicants stating that the respondents can accommodate all the applicants to nearby division.

4. Heard Shri R.V. Shiralkar, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. for the respondents. The learned counsel for applicants has submitted that the respondents can accommodate the applicants nearby to their present posting.

5. The Id. P.O. has submitted that the posts of District Librarian are now abolished as per the G.R. dated 16/12/2022. He has pointed out the G.R. and submitted that to accommodate all the applicants, they were transferred. The Id. P.O. has submitted that there is no any vacant post nearby to their present posting. Hence, the O.As. are liable to be dismissed.

6. On the first date of hearing, the learned counsel for applicant in O.A.44/2023 has submitted that equivalent post is available at Chandrapur Region and therefore the respondents were directed to maintain status-quo. In other O.As. also statement was made that the equivalent posts are available nearby their posting. The Government of Maharashtra has issued the G.R. dated 16/12/2022. As per the G.R., the posts of District Librarian Class-III at Nagpur, Bhandara, Chandrapur, Yavatmal, Wardha, Akola & Buldana are abolished. Therefore, all the applicants were accommodated to the transferred places where the posts are available. Nothing is pointed out by the applicants to show that any equivalent post is available nearby their present posting. As per the G.R. dated 16/12/2022, seven posts of District Librarian are abolished, therefore, all the applicants were accommodated where the posts of District Librarian are available. Therefore, it cannot be said that the impugned transfer orders are illegal. Hence, the following order –

**ORDER**

The O.As. are dismissed. No order as to costs.

**Dated** :- 16/06/2023.

dnk.

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



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 : 16/06/2023.

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