

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.163 OF 2017

DISTRICT : NASHIK

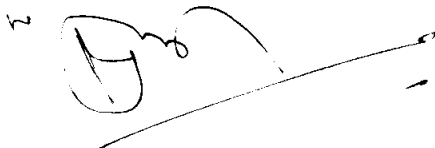
Mrs. Sandhya Umaji Suryawanshi.)
Senior Clerk in the Office of District)
Supply Office, Nashik and R/o/ A/p.)
Flat No.3, New Priti Park Society,)
Ganesh Nagar, Jail Road, Nashik Road,)
Nashik.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through Principal Secretary,)
Food and Drugs & Supply Dept.,)
Mantralaya, Mumbai - 400 032.)
2. The District Collector (Supply Div.))
Nashik Division, Collector Office,)
District Nashik.)
3. The District Supply Office.)
(Supply Division/Department),)
District Nashik.)
4. The Tahasildar.)
Niphad, Tal.: Niphad, Dist : Thane.)...**Respondents**

Mr. Vishwajeet Mohite, Advocate for Applicant.

Mr. S. Suryawanshi, Presenting Officer for Respondents.

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P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 03.08.2017

JUDGMENT

1. The Applicant, an Awal Karkun calls into question her transfer from District Supply Office, Nashik as Awal Karkun to Tahasil Office, Niphad vide the order dated 26.8.2016 (Exh. 'A', Page 13 of the Paper Book (PB)).

2. I have perused the record and proceedings and heard Mr. Vishwajeet Mohite, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer (PO) for the Respondents. The first Respondent is the State in Food, Drugs and Supply Department, the 2nd Respondent is the District Collector, Nashik, the 3rd Respondent is the District Supply Officer and the 4th Respondent is the Tahasildar, Niphad.

3. The facts are simple and uncomplicated. On 8.7.2016 vide Exh. 'C' (Page 15 of the PB), the Applicant took over the charge of Awal Karkun of the District Supply Office, Nashik. On 18.7.2016 vide Exh. 'R-1' (Page 41 of the PB), she practically made a representation which may amount to transfer to some other posting. However, for the reasons to be presently set out, it is not necessary for me to examine that aspect of the matter. Vide the impugned



order, as already indicated above, she has been transferred again to Niphad. It is clear from the record that, for effecting the transfer from District Supply Office, Nashik to Niphad, none of the requirements of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (Transfer Act) was complied with. This position is not disputed. The Applicant had not completed her tenure at Nashik, and therefore, legally, the impugned order is unsustainable and the net result will be that the Applicant will have to be reposted as Awal Karkun, District Supply Office, Nashik.

4. The order herein impugned is hereby quashed and set aside. The Respondents are directed to repost the Applicant to the post of Awal Karkun, District Supply Office, Nashik within a period of four weeks from today. This order applies in so far as the Applicant is concerned. The Original Application is allowed in these terms with no order as to costs.

Sd/-
(R.B. Malik)
Member-J
03.08.2017

03-08-17

Mumbai
Date : 03.08.2017
Dictation taken by :
S.K. Wamanse.