

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.233 OF 2021**

**DISTRICT : KOLHAPUR**

Shri Dhananjay H. Jadhav. )  
Age : 51 Yrs., Occu.: Accounts Officer, )  
District Superintendent Agriculture Office,) )  
Near Chalithana, Bhagva Chowk, )  
Kasaba Bavada, Kolhapur – 416 006 and )  
residing at 1644, A Ward, B Building, )  
Pinac Onkar Swarupa Apartment, )  
Near Ranka Tower, Kolhapur – 416 012. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through the Principal Secretary, )  
Finance Department, Mantralaya, )  
Mumbai – 400 032. )
2. The Director. )  
Accounts & Treasuries, 3<sup>rd</sup> Floor, )  
Thackersey House, J.N. Heredia )  
Marg, Ballard Estate, Mumbai – 1. )
3. The Agriculture Commissioner. )  
Central Building, 3<sup>rd</sup> Floor, )  
Pune – 411 001. )
4. The District Superintendent )  
Agriculture Officer, Near Chalithana )  
Bhagva Chowk, Kasaba Bavada, )  
Kolhapur – 416 006. )...**Respondents**

**Mr. U.V. Bhosle, Advocate for Applicant.**

**Mrs. K.S. Gaikwad, Presenting Officer for Respondents.**

**CORAM : SHRI A.P. KURHEKAR, MEMBER-J**

**DATE : 26.11.2021**

**JUDGMENT**

1. The challenge is to the order dated 19.03.2021 issued by Respondent No.4 thereby relieving the Applicant unilaterally without any authority which partakes character of transfer in the eye of law.

2. The Applicant is working as Accounts Officer (Group 'B' Gazetted). By order dated 14.09.2020, he was transferred from Chandrapur to Kolhapur on request and accordingly, joined the Office of Respondent No.4 viz. District Superintendent Agriculture Officer, Kolhapur. While he was serving in the Office of Respondent No.4, he came to be suddenly relieved by impugned order dated 19.03.2021 on the ground that he is raising unsubstantiated objections to the bills and it is causing hardship to the Office. He was directed to hand-over the charge. Accordingly, he was relieved unilaterally, which is challenged in the present O.A.

3. The Respondent Nos.1 & 2 have filed reply. No reply is filed on behalf of Respondent Nos.3 & 4. Indeed, the reply of Respondent No.4 was necessary to show how he is empowered and authorized to pass the impugned order.

4. Shri U.V. Bhosle, learned Advocate for the Applicant has pointed out that Applicant being Group 'B' Gazetted Officer, the Respondent No.1 – Government is the competent authority for any disciplinary action to transfer the Applicant, and therefore, the impugned order relieving the Applicant unilaterally without approval of Government is bad in law. He has further pointed out that Respondent No.1 in reply also supports the Applicant's contention that Respondent No.4 was not competent to relieve the Applicant.

5. The small issue posed in the present O.A. is about the illegality of impugned order dated 19.03.2021. Indeed, having noticed that the

impugned order is *prima-facie* unsustainable in law, the Tribunal has granted interim relief by order dated 06.04.2021.

6. In so far as reply filed by Respondent Nos.1 & 2 is concerned, it is explicit from the reply that Respondent No.4 is not competent to pass any such order. Indeed, Respondent No.2 by letter dated 31.03.2021 directed Respondent No.4 to cancel the order being without authority. Despite this position, the Respondent No.4 did not cancel the impugned order.

7. Thus *ex-facia*, Respondent No.4 was not competent to pass any such order unilaterally relieving the Applicant instead of making reference to the Government. The impugned order of relieving the Applicant thus have trapping of transfer and displacement from the post without authority. Indeed, in view of direction from Respondent No.1 – Government, the Respondent No.4 ought to have taken remedial measure to correct the mistake and having not done so, the impugned is liable to be quashed. Hence, the order.

### **ORDER**

- (A) The Original Application is allowed.
- (B) The impugned order dated 19.03.2021 is quashed and set aside.
- (C) Interim relief granted by the Tribunal by order dated 06.04.2021 is made absolute.
- (D) No order as to costs.

Sd/-

**(A.P. KURHEKAR)**  
**Member-J**

Mumbai  
Date : 26.11.2021  
Dictation taken by :  
S.K. Wamanse.

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